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# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 306

DATE: Wednesday, May 1, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

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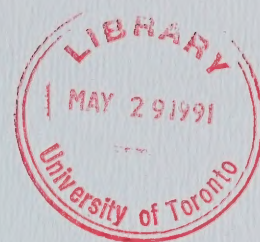
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

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Hearing held at the offices of the Ontario  
Highway Transport Board, Britannica Building,  
151 Bloor Street West, 10th Floor, Toronto,  
Ontario, on Wednesday, May 1st, 1991,  
commencing at 9:00 a.m.

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VOLUME 306

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

|                        |   |  |
|------------------------|---|--|
| MR. V. FREIDIN, Q.C.   | ) | MINISTRY OF NATURAL                                    |
| MS. C. BLASTORAH       | ) | RESOURCES  |
| MS. K. MURPHY          | ) |  |
| MR. B. CAMPBELL        | ) |  |
| MS. J. SEABORN         | ) | MINISTRY OF ENVIRONMENT                                |
| MS. N. GILLESPIE       | ) |  |
| MR. R. TUER, Q.C.      | ) | ONTARIO FOREST INDUSTRY                                |
| MR. R. COSMAN          | ) | ASSOCIATION and ONTARIO                                |
| MS. E. CRONK           | ) | LUMBER MANUFACTURERS'                                  |
| MR. P.R. CASSIDY       | ) | ASSOCIATION  |
| MR. H. TURKSTRA        |   | ENVIRONMENTAL ASSESSMENT<br>BOARD                      |
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| DR. T. QUINNEY         | ) | OF ANGLERS & HUNTERS                                   |
| MR. D. HUNTER          |   | NISHNAWBE-ASKI NATION<br>and WINDIGO TRIBAL<br>COUNCIL |
| MR. J.F. CASTRILLI     | ) |  |
| MS. M. SWENARCHUK      | ) | FORESTS FOR TOMORROW                                   |
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| MS. B. SOLANDT-MAXWELL | ) |  |
| MR. D. COLBORNE        | ) | GRAND COUNCIL TREATY #3                                |
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| MR. C. REID            | ) | ONTARIO METIS &  |
| MR. R. REILLY          | ) | ABORIGINAL ASSOCIATION                                 |
| MR. P. SANFORD         | ) | KIMBERLY-CLARK OF CANADA                               |
| MS. L. NICHOLLS        | ) | LIMITED and SPRUCE FALLS                               |
| MR. D. WOOD            | ) | POWER & PAPER COMPANY                                  |
| MR. D. MacDONALD       |   | ONTARIO FEDERATION OF<br>LABOUR                        |





APPEARANCES (Cont'd):

|                          |   |  |
|--------------------------|---|--|
| MR. R. COTTON            |   | BOISE CASCADE OF CANADA LTD.                             |
| MR. Y. GERVAIS           | ) | ONTARIO TRAPPERS   |
| MR. R. BARNES            | ) | ASSOCIATION  |
| MR. R. EDWARDS           | ) | NORTHERN ONTARIO TOURIST                                 |
| MR. B. MCKERCHER         | ) | OUTFITTERS ASSOCIATION                                   |
| MR. L. GREENSPOON        | ) | NORTHWATCH   |
| MS. B. LLOYD             | ) |  |
| MR. J.W. ERICKSON, Q.C.) |   | RED LAKE-EAR FALLS JOINT                                 |
| MR. B. BABCOCK           | ) | MUNICIPAL COMMITTEE                                      |
| MR. D. SCOTT             | ) | NORTHWESTERN ONTARIO                                     |
| MR. J.S. TAYLOR          | ) | ASSOCIATED CHAMBERS OF COMMERCE                          |
| MR. J.W. HARBELL         | ) | GREAT LAKES FOREST                                       |
| MR. S.M. MAKUCH          | ) |  |
| MR. D. CURTIS            | ) | ONTARIO PROFESSIONAL                                     |
| MR. J. EBBS              | ) | FORESTERS ASSOCIATION                                    |
| MR. D. KING              |   | VENTURE TOURISM ASSOCIATION OF ONTARIO                   |
| MR. H. GRAHAM            |   | CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION) |
| MR. G.J. KINLIN          |   | DEPARTMENT OF JUSTICE                                    |
| MR. S.J. STEPINAC        |   | MINISTRY OF NORTHERN DEVELOPMENT & MINES                 |
| MR. M. COATES            |   | ONTARIO FORESTRY ASSOCIATION                             |
| MR. P. ODORIZZI          |   | BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY                  |





APPEARANCES (Cont'd):

|                     |  |
|---------------------|--|
| MR. R.L. AXFORD     | CANADIAN ASSOCIATION OF<br>SINGLE INDUSTRY TOWNS |
| MR. M.O. EDWARDS    | FORT FRANCES CHAMBER OF<br>COMMERCE              |
| MR. P.D. McCUTCHEON | GEORGE NIXON                                     |
| MR. C. BRUNETTA     | NORTHWESTERN ONTARIO<br>TOURISM ASSOCIATION      |





I N D E X   O F   P R O C E E D I N G S

| <u>Witness:</u>  | <u>Page No.</u> |
|--|-----------------|
| <u>WILLIAM J. BROWN,</u><br><u>JOHN W. EBBS, Sworn</u> | 54303           |
| Direct Examination by Mr. Curtis                       | 54306           |
| Cross-Examination by Mr. Cassidy                       | 54429           |
| Cross-Examination by Ms. Seaborn                       | 54449           |
| Re-Direct Examination by Mr. Curtis                    | 54469           |





I N D E X     O F     E X H I B I T S

| <u>Exhibit No.</u> | <u>Description</u>   | <u>Page No.</u> |
|--------------------|--|-----------------|
| 1804               | Witness statement of the Ontario Professional Foresters Association.   | 54306           |
| 1805               | Overhead depicting breakdown of employers of OPFA members.   | 54312           |
| 1806               | The Ontario Professional Foresters Association Act, consisting of four pages.  | 54314           |
| 1807               | By-laws of the OPFA.   | 54317           |
| 1808               | Two-page report of the Canadian Forestry Accreditation Board re its purposes and objectives.   | 54320           |
| 1809               | Interrogatory questions and answers thereto supplied by the OPFA.  | 54320           |
| 1810               | Chart of forestry standards.   | 54331           |
| 1811               | Code of ethics of the British Columbia Professional Foresters Association.   | 54337           |
| 1812               | Translation of the Quebec Code of Forestry Ethics.   | 54343           |
| 1813               | Excerpt from the Standing Committee on Forestry and Fisheries' report.   | 54349           |
| 1814               | Survey of Professional Foresters in Canada, a final report to Forestry Canada by Omnifax Research Limited and Environics and Crop Inc., dated January 1991, consisting of 37 pages and 10 pages of appendices. | 54369           |





I N D E X   O F   E X H I B I T S

| <u>Exhibit No.</u> | <u>Description</u>   | <u>Page No.</u> |
|--------------------|--|-----------------|
| 1815               | View of guidelines and related discussion re professional discretion of Mr. Brown (OPFA).                        | 54429           |
| 1809B              | One-page news release issued by Canadian Federation of Professional Foresters Associations, dated April 9, 1991. | 54444           |





1       ---Upon commencing at 9:05 a.m.

2                   MADAM CHAIR: Good morning. Please be  
3       seated.

4                   Good morning, Mr. Ebbs.

5                   MR. EBBS: Good morning

6                   MADAM CHAIR: Mr. Curtis.

7                   MR. CURTIS: Good morning.

8                   MADAM CHAIR: Would you like me to swear  
9       in your witnesses now, Mr. Curtis?

10                  MR. CURTIS: As you wish, Madam Chair.  
11       That will be fine.

12                  MADAM CHAIR: All right.

13                         WILLIAM J. BROWN,  
14                         JOHN W. EBBS; Sworn

15                  MADAM CHAIR: Mr. Curtis?

16                  MR. CURTIS: Good morning. Thank you,  
17       Madam Chair.

18                         It is a pleasure to be here today. I am  
19       representing the Ontario Professional Foresters  
20       Association. What I propose to do is to make some  
21       brief opening comments and then I can briefly go  
22       through the curriculum vitae of Mr. Ebbs and Mr. Brown  
23       and ask they be qualified to give testimony on various  
24       matters here today.

25                         There are a couple of terms I will be

1       using as abbreviations. The Ontario Professional  
2       Foresters Association, I will use OPFA and for  
3       Registered Professional Forester I will be using RPF.

4               The OPFA appears today, Madam Chair, to  
5       offer assistance to the Board as well as to other  
6       parties in ensuring that forestry is practised in the  
7       area of the undertaking according to high standards.

8               The evidence that Mr. Ebbs and Mr. Brown  
9       will be presenting to you will outline the nature of  
10      the OPFA as the self-governing professional regulatory  
11      body for professional foresters in Ontario. It will  
12      outline the role of professional foresters in the area  
13      of the undertaking and it will outline the need to  
14      allow for professional discretion in the practice of  
15      forestry.

16              It will outline the need for effective  
17      public education with regard to the practice of  
18      forestry. Most importantly, possibly, it will outline  
19      the role of OPFA in ensuring professional  
20      accountability and responsibility in the practice of  
21      forestry.

22              The evidence will highlight the  
23      regulatory role of the OPFA in relation to two things.  
24      First, the educational and training standards of RPFs  
25      and, secondly, the regulations and standards of

1 forestry practices of RPFs.

2 It will be pointed out in the evidence  
3 that this role of the OPFA is restricted to RPFs since  
4 only RPFs are subject to the jurisdiction of the OPFA.

5 As a result, Mr. Ebbs and Mr. Brown will  
6 suggest, among other things, that it is necessary for  
7 RPFs to be involved at key points in the management  
8 process in order that they may be held professionally  
9 responsible and accountable to high standards of  
10 practice by the OPFA.

11 The specific requests of the OPFA are  
12 outlined in the terms and conditions that have been  
13 submitted, but the two highlights of those requests  
14 that the OPFA will be making to the Board are, first,  
15 that the Board ensure adequate scope for the exercise  
16 of professional skill and judgment in the practice of  
17 forestry in the area of the undertaking; and secondly,  
18 that the Board require that activities which would  
19 benefit from the exercise of professional skill and  
20 judgment, professional forestry training and  
21 professional accountability be performed or directly  
22 supervised by RPFs. In this event it will be argued  
23 that the OPFA can assist by ensuring that RPFs practise  
24 forestry according to high professional standards.

25 At this time, Madam Chair, perhaps I



1       could enter as an exhibit our statement of evidence.  
2       It has been circulated to the Board and all the parties  
3       previously.

4                       MADAM CHAIR: Thank you, Mr. Curtis.  
5       This will be Exhibit 1804.

6       ---EXHIBIT NO. 1804: Witness statement of the Ontario  
7                               Professional Foresters  
                              Association.

8                       MR. CURTIS: I have separate copies here  
9       of the CVs of our witnesses.

10                      MADAM CHAIR: Do you want these two pages  
11       to be appended to the witness statement, Mr. Curtis?

12                      MR. CURTIS: They are included in the  
13       witness statement. They are simply provided for your  
14       additional information.

15                      MADAM CHAIR: Thank you.

16       DIRECT EXAMINATION BY MR. CURTIS:

17                      Q. Mr. Ebbs, very briefly, you received  
18       your degree in forestry at the University of Toronto in  
19       1968?

20                      MR. EBBS: A. That's correct.

21                      Q. You have held a variety of largely  
22       administrative positions from 1968 to the present time,  
23       including positions with a forestry consulting firm,  
24       R.E. Keen and Associates, Imperial oil Limited,  
25       Confederation of Applied Arts and Technology, the

1 Ontario Ministry of Natural Resources, the Ontario  
2 Ministry of the Solicitor General; and from 1989 to  
3 present as Executive Director of the Ontario  
4 Professional Foresters Association?

5 A. Yes, I have.

6 Q. You have held a number of other  
7 positions in forestry organizations and a number of  
8 public interest organizations and have participated in  
9 a number of courses and seminars to supplement your  
10 education as are listed here?

11 A. Yes.

12 MR. CURTIS: Madam Chair, I would like to  
13 ask that the Board accept Mr. Ebbs as qualified to give  
14 factual evidence on the nature of the OPFA, its  
15 professional regulatory role and its role in forest  
16 policy development.

17 MADAM CHAIR: Are there any objections  
18 from the parties?

19 ---No response.

20 Mr. Ebbs will be so qualified.

21 MR. CURTIS: Thank you.

22 Q. Mr. Brown, briefly, you received your  
23 forestry education, first a diploma from Lakehead  
24 University in Forest Technology in 1959, you then  
25 wisely went on to the University of New Brunswick and

1 received a degree in forestry in 1964; is that correct?

2 MR. BROWN: A. Yes.

3 Q. You have held a number of positions  
4 from 1964 to the present; the first one from '64 to '68  
5 with Canadian International Paper Company Limited.

6 Could you please outline briefly what  
7 your experience was in that role?

8 A. Planning and supervisory experience  
9 in logging operations in northern Quebec, first at the  
10 forman level and the camp superintendent level.

11 Q. From 1968 to 1975 you were with the  
12 Ontario Ministry of Natural Resources in a number of  
13 positions.

14 Could you please outline what they were  
15 and roughly what your duties were in those positions?

16 A. Beginning in North Bay in 1968 as a  
17 unit forester, working in the area north of North Bay,  
18 primarily working with the pine and hardwood forest in  
19 that area, the typical duties of the unit forester at  
20 that time.

21 Went on from there to Kapuskasing  
22 actually as a timber supervisor for a short period of  
23 time, supervising a couple of unit foresters and the  
24 forestry program in that area, and from there over to  
25 Cochrane as regional forester responsible for the

1 northern region of the Ministry of Natural Resources at  
2 that time, the forestry program in that region of  
3 Ontario. Briefly that was my experience there.

4 Q. Thank you.

5 MR. CURTIS: Just a smaller error in the  
6 CV of Mr. Brown, Madam Chair. The last two lines of  
7 the paragraph, '68 to '75, should read North Bay,  
8 Kapuskasing and Cochrane respectively.

9 Q. Mr. Brown, from 1975 to 1985, you  
10 were the area supervisor for the Algonquin forestry  
11 authority and from 1985 to present general manager.

12 Could you briefly outline your duties and  
13 fuctions in those positions?

14 MR. BROWN: A. From 1975 to '85, the  
15 area supervisor job entailed supervision of the  
16 forestry and logging activities on basically the  
17 western portion of Algonquin Park.

18 In 1980, I believe it was, I was seconded  
19 to do a forest management plan for Algonquin Park which  
20 is the basis for the activities that go on up there  
21 today.

22 In 1985, I became general manager which  
23 is basically chief executive officer for the Crown  
24 agency that is the Algonquin forestry authority with  
25 responsibility for the staff and programs and I



1 reported to a Board of Directors appointed for me.

2 Q. Thank you. You have held a number of  
3 other positions in forestry organizations including  
4 past president of the Ontario Professional Foresters  
5 Association, the Canadian Institute of Forestry as a  
6 member of the Forestry Research Advisory Council, a  
7 member of the Ontario Forestry Research Committee and  
8 the Ontario Forestry Association and as a public  
9 interest role the Huntsville Rotary Club.

10 Madam Chair, based on that I would like  
11 to ask the Board accept Mr. Brown as an expert in  
12 forest management qualified to give opinion evidence on  
13 the following matters: First, the role of profession  
14 foresters in the area of the undertaking; secondly, the  
15 role of professional discretion in the practise of  
16 forestry; the role of professional accountability and  
17 responsibility; and the importance of public education  
18 in the practise of forestry.

19 MADAM CHAIR: Any objections from the  
20 parties.

21 ---No response.

22 Then Mr. Brown will be so qualified.

23 Mr. Brown, did we meet you when we were  
24 on our site visit in Algonquin?

25 MR. BROWN: Yes, we did briefly.

1 MR. CURTIS: Q. Mr. Ebbs, I would like  
2 to start with an overview of the OPFA. Could you  
3 please provide the Board with a brief description of  
4 the organization?

5 MR. EBBS: A. The Ontario Professional  
6 Foresters Associations is incorporated under an act of  
7 the provincial legislature. It is non-profit. It's  
8 supported totally by membership fees; we don't receive  
9 any outside funding. It is also non-political in its  
10 nature.

11 The current membership is approximately  
12 900 and there are various categories of membership.  
13 The membership itself represents a very broad range of  
14 foresters who work for quite a wide variety of  
15 employers.

16 I believe, Mr. Curtis, that we have a  
17 chart that we could show to the Board which will show  
18 the breakdown of the membership.

19 MR. CURTIS: We will be using, Madam  
20 Chair, a number of overheads. I propose to pass them  
21 out individually and we could collect them together at  
22 the end of our presentation as an exhibit, if you wish.

23 MADAM CHAIR: All right. Why don't we  
24 assign Exhibit 1805 to the overheads accompanying your  
25 witness statement.

1 How many are there, Mr. Curtis?

2 MR. CURTIS: Well, we didn't count them.

3 MADAM CHAIR: We will count them at the  
4 end.

5 MR. EBBS: Approximately a dozen I would  
6 suggest, Madam Chair.

7 MADAM CHAIR: Thank you, Mr. Ebbs.

8 MR. EBBS: Although, we should point out,  
9 Mr. Curtis, that some of them are extracts from  
10 interrogatory answers.

11 MR. CURTIS: Yes, and some of them will  
12 be introduced as exhibits themselves.

13 ---EXHIBIT NO. 1805: Overhead depicting breakdown of  
14 employers of OPFA members.

15 MR. EBBS: Madam Chair, Mr. Martel, I  
16 don't think that I need to review this chart. It was  
17 my intention to show it to you so you can see that  
18 there is a mix.

19 Quite obviously, the membership who work  
20 for the Ministry of Natural Resources is a very large  
21 group, the largest single employer of our members.

22 The industry grouping at 25.9 per cent is  
23 a broad range of companies who work in the pulp and  
24 paper and lumber industry and so on.

25 I noted in reviewing the witnesses to

1 date that you have had more than 40 registered  
2 professional foresters appear before you so far,  
3 starting with Mr. Monzon right through to Mr. Curtis  
4 himself who is an RPF, assuming that he will have the  
5 last word today.

6 MR. CURTIS: Not necessarily.

7 MR. EBBS: The OPFA is operated by a  
8 council elected by the members; a volunteer Board of  
9 Directors, if you will. They, along with an elected  
10 president, vice-president and past president of the  
11 Association, are those who operate the organization.

12 We have two employees full time, myself  
13 and an executive secondary, and we do have an office on  
14 West Beaver Creek Road in Richmond Hill.

15 MR. CURTIS: At this time I would like to  
16 introduce as an exhibit the Act, the Ontario  
17 Professional Foresters Association Act.

18 MADAM CHAIR: Mr. Curtis, would it be  
19 helpful because these will all comprise Exhibit 1805 --  
20 do you want to do A, B or do you want this to be  
21 separate?

22 MR. CURTIS: Yes, this will be separate.  
23 It won't be part of the overhead package.

24 MADAM CHAIR: All right. This will be  
25 Exhibit 1806. Could you identify that for us, Mr.



1 Curtis?

2 MR. CURTIS: This is the Ontario  
3 Professional Foresters Association Act.

4 MADAM CHAIR: And it consists of two  
5 pages?

6 MR. CURTIS: Actually four pages double  
7 sided.

8 ---EXHIBIT NO. 1806: The Ontario Professional  
9 Foresters Association Act,  
consisting of four pages.

10 MR. CURTIS: Q. Mr. Ebbs, can you tell  
11 me what is the mandate of the OPFA?

12 MR. EBBS: A. The mandate of the OPFA is  
13 outlined in Section 2 of the act on page 1. It is  
14 twofold really. The first is to promote and increase  
15 the knowledge, skill and proficiency of members in  
16 things relating to forestry, and the second role which  
17 we will be talking about quite extensively today is to  
18 regulate the standards of forestry practice of its  
19 members.

20 Q. How would you describe the act  
21 incorporating the OPFA?

22 A. The act itself is an act which  
23 incorporates the Association. It provides right to  
24 title to its members to use the term -- the short form  
25 RPA or the long-term Registered Professional Forester.

1 I guess I would call it -- copyright would perhaps be  
2 the non-legal way to express it.

3 It is voluntary in the sense that you do  
4 not need to be a member of the Association in order to  
5 practise forestry in the province, but only those who  
6 are members and meet the conditions for entry and agree  
7 to abide by our by-laws and so on can receive the title  
8 of RPF.

9 Q. Thank you. Can you tell me if there  
10 are any similar organizations in Canada?

11 A. There are five in total in Canada,  
12 Registered Professional Foresters Associations in  
13 British Columbia, in Alberta, in Quebec, New Brunswick  
14 as well as the one here in Ontario.

15 Legislation creating a Nova Scotia's  
16 Professional Foresters Association is presently with  
17 the legislature in Nova Scotia.

18 Q. Are there similar organizations in  
19 the U.S.?

20 A. There would be quite a few depending  
21 upon the jurisdiction. Some states have their own  
22 individual organizations such as our own. In addition,  
23 there is a very large organization called the Society  
24 of Northern Foresters.

25 Q. Do these organizations have similar

1 powers and legislation as the OPFA?

2 A. Some of them do and they are just  
3 right to title. In some states it is required that you  
4 belong to the association; to be licenced in essence in  
5 order to practise forestry.

6 Q. What exactly does the term RPF  
7 signify?

8 A. RPA signifies that one has been  
9 admitted as a member of the Association, has met  
10 certain academic and experience requirements and has  
11 agreed to abide by the by-laws and Code of Ethics of  
12 the Association.

13 Q. Can you tell me, what are the entry  
14 requirements for membership in the OPFA with respect to  
15 the academic and experience qualifications?

16 A. The academic and experience  
17 qualifications are the two basic requirements. The  
18 academic qualification is essentially a Bachelor of  
19 Science and Forestry Degree such as one would obtain  
20 from one of Canada's forestry schools or the equivalent  
21 in education from other jurisdictions or even writing  
22 our own examination.

23 The experience qualification is that one  
24 must have a minimum of 18 months' experience at a  
25 professional forestry level following receipt of the

1 academic diploma, degree or equivalent.

2 MR. CURTIS: I would like to introduce at  
3 this time as an exhibit the by-laws of the OPFA.

4 MADAM CHAIR: Do you wish a separate  
5 exhibit number for this, Mr. Curtis?

6 MR. CURTIS: Yes, please.

7 MADAM CHAIR: This will be Exhibit 1807.

8 ---EXHIBIT NO. 1807: By-laws of the OPFA.

9 MR. CURTIS: Q. Mr. Ebbs, just for the  
10 information of Madam Chair and Mr. Martel would you  
11 identify the sections of the act and the by-laws which  
12 contain the entry requirements of the OPFA?

13 A. The entry requirements are contained  
14 in Section 3 of the act and Section 3.01 which is on  
15 page 2 of the by-laws which Mr. Curtis just gave you.

16 Also, you will note on pages 2 and 3 of  
17 the by-laws that there are other categories of  
18 membership; life members, for example, can retain their  
19 RPF status. We do have non-resident members who do  
20 live outside Ontario who continue to belong to the  
21 Association.

22 To allow for graduates to get their 18  
23 months' experience we have graduate foresters in  
24 training category and also enroll undergraduate  
25 students from universities.



1                   Q. Are there any other documents setting  
2 out consideration that OPFA uses for entry?

3                   A. From time to time the council of the  
4 Association does provide to the Board of Examiners,  
5 which is the council appointed committee that reviews  
6 all applications, does provide guidelines to them which  
7 provide some more detail beyond what is contained in  
8 the by-laws.

9                   Q. Could you just expand briefly on the  
10 role of the Board of Examiners you just mentioned?

11                  A. As I just said, the Board of  
12 Examiners is appointed by the council. They review  
13 each application individually to confirm that the  
14 academic requirements and the experience requirements  
15 are met. It is taken very much on an individual  
16 case-by-case basis with the opportunity for the  
17 applicant to provide further information if it is  
18 required.

19                  The Board of Examiners then makes the  
20 recommendation to council as to whether the individual  
21 should be admitted for membership, whether they require  
22 further academic training or experience or what have  
23 you.

24                  Q. Is there any other review process for  
25 forestry education in which the OPFA is involved?

1                   A. For a number of years the OPFA did  
2     conduct site visits and council of the Association  
3     accredited schools of forestry in Canada.

4                   Several years ago, the other professional  
5     foresters associations in Canada and the Canadian  
6     Institute of Forestry cooperated together to develop  
7     the Canadian Forestry Accreditation Board. This Board  
8     with representation from all the professional  
9     associations has been shared for the last several years  
10    by Mr. Lorne Riley, the representative from the OPFA,  
11    and they are now visiting the schools of forestry  
12    across Canada.

13                  The purpose of the CFAB is not totally to  
14    provide for the judgment of academic standing for entry  
15    into the associations. It also serves other purposes  
16    in allowing an outside party to assess what is going on  
17    at the forestry school by way of the undergraduate  
18    education in forestry for comparison purposes and  
19    cross-country exchange of information and so on.

20                  MR. CURTIS: For the Board's information,  
21    Madam Chair, we wish to file as an exhibit on a single  
22    sheet of paper a two-page report of the Canadian  
23    Forestry Accreditation Board which outlines its  
24    purposes and objectives.

25                  MADAM CHAIR: Do you want this to be

1 given a separate exhibit number, Mr. Curtis?

2 MR. CURTIS: Yes, please.

3 MADAM CHAIR: This will be 1808.

4 ---EXHIBIT NO. 1808: Two-page report of the Canadian  
5 Forestry Accreditation Board re  
its purposes and objectives.

6 MR. CURTIS: Q. Mr. Ebbs, does the  
7 OPFA -- perhaps before I continue, Madam Chair, I think  
8 what I would like to do is introduce the  
9 interrogatories and responses as a single exhibit. We  
10 intend to refer to them throughout our evidence.

11 MADAM CHAIR: Thank you.

12 MR. CASSIDY: Does that contain all of  
13 the interrogatories, Mr. Curtis?

14 MR. CURTIS: Yes, it does.

15 MADAM CHAIR: All right. That will be  
16 Exhibit 1809.

17 ---EXHIBIT NO. 1809: Interrogatory questions and  
18 answers thereto supplied by the  
OPFA.

19 MR. CURTIS: Q. Mr. Ebbs, does the OPFA  
20 supplement the training and experience of its member in  
21 any way?

22 MR. EBBS: A. The Association firmly  
23 believes among its membership that one of its  
24 responsibilities is to provide for continuing  
25 education. We as an Association put on programs such

1 as educational seminars at our annual meeting,  
2 additional programs may occur from time to time.

3 We participate with other organizations  
4 such as the universities, the Canadian Forestry and so  
5 on in developing and presenting programs.

6 I myself am on the steering committee of  
7 the Ontario Advanced Forestry Program which has been a  
8 cooperative effort between the Ministry of Natural  
9 Resources and the universities with input from forest  
10 industry associations and my own Association.

11 There is obviously a great deal of  
12 overlap that can occur between the various forestry  
13 organizations. They are not large numbers of foresters  
14 in the province, so we do cooperate to whatever extent  
15 we can.

16 The Association through its newsletter  
17 and through mailings to its members advise them of  
18 upcoming educational programs that might be put on by  
19 whatever organization.

20 Q. This point was addressed in one of  
21 the interrogatories that we responded to. The  
22 interrogatory of the Ministry of Natural Resources  
23 which you will find on OMNR page 1, interrogatory No.  
24 2, I believe.

25 A. Yes.



1 Q. Is there anything in that  
2 interrogatory response (ii) that you wish to add to  
3 your response?

4 A. No, I think, Mr. Curtis, that I have  
5 pretty well covered it.

6 Q. Thank you. With regard to the  
7 training and education of RPFs, Mr. Ebbs, can you tell  
8 me, what does that training and education qualify them  
9 as?

10 A. My view would be that they are really  
11 qualified as systems managers. By that I mean that not  
12 only do they have the very basic physical and  
13 mathematical sciences in their training, but their  
14 higher education in forestry, silviculture and a wide  
15 range of forest management education that they  
16 undertake is taught in such a way and more and more so  
17 that they are able to relate these various elements  
18 together.

19 The dynamic nature of the forest  
20 environment is such that they have to be able to see  
21 the inter-relationship between the various elements.

22 MR. CURTIS: This point was also  
23 addressed in an interrogatory, Madam Chair, MNR  
24 interrogatory No. 4 which appears on OMNR page 2.

25 Q. Can you tell me first, Mr. Ebbs,

1 where the term system manager originated?

2 MR. EBBS: A. Well, I have really taken  
3 it I guess from Dr. Baskerville's testimony before the  
4 Board. I'm not going to guess how long ago it was.

5 As I said earlier, it has always been my  
6 feeling that systems management was part of a  
7 forester's training, but I guess it really was through  
8 Dr. Baskerville's testimony that I began to think of  
9 foresters as being systems managers.

10 Q. When an RPF is asked to do something  
11 that is outside their training or experience, can you  
12 tell me what are their professional obligations in  
13 those circumstances?

14 A. They are similar to any other  
15 profession in that it is the responsibility of a  
16 professional not to undertake work that he or she is  
17 not qualified to perform.

18 This has been codified in the OPFA Code  
19 of Ethics which is included as one of our by-laws which  
20 you will find in the exhibit, Ontario Professional  
21 Foresters Association by-laws on page 15.

22 The second section from the bottom where  
23 it says Duty to Himself and No. 6(b):

24 "A professional forester shall undertake  
25 only such work as he or she is competent

1 to perform by virtue of his or her  
2 training and experience and shall, where  
3 adviseable, retain and cooperate with  
4 other professional foresters and  
5 specialists."

6 I must say that I have always felt that  
7 that was critical to a professional's activity.

8 MR. MARTEL: What do you do in the event  
9 that a forester does refuse to do something other than  
10 what he should and someone decides to promptly fire  
11 him?

12 Does the Association or will the  
13 Association assist that individual in any type of  
14 proceeding to retain their employment?

15 MR. EBBS: Mr. Martel, we're certainly  
16 very aware of the implication of this in any  
17 circumstance and I think it is something that we all  
18 have to think about at all times as we go through our  
19 work.

20 The responsibility of the professional  
21 association and the profession as a whole I think is  
22 extremely critical to this. We couldn't have it and we  
23 wouldn't believe in it if we didn't have it there.

24 Your question being, would the  
25 Association support. Yes, I would say it must to

1       whatever extent it possibly can within the powers that  
2       it has, and later on in the testimony today we will be  
3       dealing with that specific issue and, Mr. Martel, a  
4       specific case to a certain extent.

5                       MR. CURTIS: Thank you. This point was  
6       also addressed in an interrogatory response to OFIA,  
7       No. 2(a). It appears towards the end of the package of  
8       interrogatories.

9                       Q. Is there anything in that response,  
10      Mr. Ebbs, that you wish to add or expand on?

11                      MR. EBBS: A. Certainly in the second  
12      paragraph of the response it deals with inexperience.  
13      What we said in the response to the interrogatory was  
14      that inexperience is no excuse.

15                      We feel it is the responsibility of the  
16      professional to recognize his or her inexperience and,  
17      therefore, abide by Section 6(b) of our Code of Ethics  
18      and seek whatever assistance is required in order to  
19      accomplish the activity at hand in the best possibly  
20      way and according to good forestry practices.

21                      Q. The last sentence of that  
22      interrogatory notes that:

23                      "Employers also may have a responsibility  
24                      to provide experienced supervision."

25                      Can you tell me, what is your view



1       regarding the role of supervisory staff in training and  
2       guiding foresters who may be inexperienced?

3                   A.   It's difficult to answer I think  
4       because it is so very obvious.   I would hope that an  
5       employer would not assign someone to a task that they  
6       were not competent to perform.

7                   Certainly, if the supervisor were a  
8       member of the Association, then their responsibility  
9       would also be to the Association through the Code of  
10      Ethics and they would themselves have the  
11      responsibility to abide by the code to ensure that they  
12      did not assign someone who was inexperienced.

13                   That would perhaps be considered to be  
14      the almost the same as attempting something themselves  
15      where they didn't have the experience.

16                   Q.   Mr. Brown, based on your experience,  
17      can you add anything to that response?

18                   MR. BROWN:   A.   Not a whole lot except to  
19      say that it's almost -- it's identical to virtually any  
20      endeavor in that a supervisor or a manager obviously  
21      has a responsibility to provide adequate training and  
22      experience to individuals before they're assigned to  
23      duties.

24                   It is something I have certainly  
25      experienced over a long period of time and come to see

1 as being a very important part of my job whenever I  
2 have been a supervisor or manager.

3 Q. Following on from inexperience, what  
4 about -- Mr. Brown, I am addressing this to you.

5 What would be the effect on the practice  
6 of forestry of gaps in knowledge where rather than  
7 simply inexperience, what we are dealing with there is  
8 a gap in scientific knowledge? How does that impact on  
9 the practice of forestry?

10 A. I think we've come to recognize from  
11 time to time that we have a gap in understanding some  
12 particular facet of the work that we do.

13 In my experience, our reaction is to seek  
14 ways and means to fill that gap and we do that by  
15 resorting to the various research organizations that we  
16 have at our disposal. We are actually quite fortunate  
17 in Canada in that we have some excellent forest  
18 research establishments, and that's one of my first  
19 inclinations or directions when I have ever sensed that  
20 we were labouring under a lack of understanding that  
21 could be provided in a scientific way, is to seek out  
22 those people and seek answers to those questions.

23 Q. Now, what if you were in the field?  
24 I mean, obviously it takes some time to get an answer  
25 to a scientific research project. What would be the

1 appropriate response in the field where there is a gap  
2 in scientific knowledge?

3 A. Well, again, when it's recognized  
4 that that's part of the problem and you have to  
5 understand that you may be using a certain process for  
6 a period of time and then recognize there is something  
7 happening that you don't understand, and it is at that  
8 point you say: Well, I need more information.

9 Obviously, you don't get the information  
10 instantly and again in my experience, the reaction is  
11 to err on the side of being very careful about that  
12 particular aspect of what you are dealing with. That's  
13 certainly been my experience.

14 Q. Mr. Ebbs, I would like to get into  
15 the professional regulatory role of the OPFA. In your  
16 view, what exactly does the OPFA have to offer the  
17 Board in this class environmental assessment hearing?

18 MR. EBBS: A. The most important thing I  
19 would think is that the Association because of its Code  
20 of Ethics and its standards can provide a sense of  
21 accountability and responsibility beyond the  
22 responsibility that exists to the employer. By that I  
23 mean an accountability and responsibility for acting in  
24 a way that will provide for good forestry practice.

25 Also, of course, because of the

1 Association's entry requirements, the qualifications  
2 needed to become a Registered Professional Forester,  
3 there is a minimum level of least training and  
4 experience which is inherent in the designation RPF.

5 Also, the Association does have the  
6 potential to enforce the Code of Ethics and standards  
7 of practice as it is set out in the objectives of the  
8 Association in the act.

9 MR. MARTEL: You run afoul of it, though,  
10 with those who choose not to belong to your  
11 Association. How do you deal with someone who has  
12 decided to stay out?

13 I mean, you have no way of getting them  
14 except through friendly persuasion maybe to conform.

15 MR. EBBS: That's exactly true, Mr.  
16 Martel, and that has certainly been one of our concerns  
17 all along.

18 Almost two-thirds of the practising  
19 foresters in the province do belong. As I mentioned  
20 earlier, a very large number of those who have appeared  
21 before you do belong. It is voluntary. Those  
22 foresters do appreciate what the Association can do for  
23 the profession and what the profession can do for  
24 forest, but it is true, sir, we have no control at all  
25 over those who are not members.



1                   MADAM CHAIR: Excuse me, Mr. Ebbs.

2       Wouldn't one factor be that the author of a timber  
3       management plan in Ontario, for example, has to be a  
4       Registered Professional Forester?

5                   MR. EBBS: Certainly, Madam Chair, that  
6       is an incentive for some to belong.

7                   Although, if I recall an interrogatory  
8       that we asked the Ministry of Natural Resources  
9       correctly, that not all unit foresters, for example,  
10      are members, not all forest management supervisors are  
11      members and the response from the Ministry was that if  
12      that situation arose, then they would find someone who  
13      was an RPF in order to sign the plan. Some employers  
14      do use it as a standard for employment, but it's not  
15      consistent.

16                  MR. MARTEL: I believe you are moving to  
17      try to make it that all people who work in the field  
18      have to be part of the organization.

19                  MR. EBBS: Yes, Mr. Martel. Certainly  
20      part of our being here today is to increase the  
21      knowledge of the Board and others of the fact that we  
22      would like to see all foresters under the umbrella, if  
23      you will, of the Code of Ethics and abide by standards  
24      of forestry practised in the highest level by way of  
25      having licensing, for want of a better word.

1 MR. CURTIS: Q. Mr. Ebbs, you have  
2 referred to standard of practice. I would like to ask  
3 you to clarify some of those terms.

4 Madam Chair, I would like to introduce as  
5 an exhibit a chart that we will be referring to.

6 MADAM CHAIR: You want this to be given a  
7 separate exhibit number?

8 MR. CURTIS: Yes, please.

9 MADAM CHAIR: This will be Exhibit 1810.

10 MR. CURTIS: It might be termed chart of  
11 forestry standards.

12 ---EXHIBIT NO. 1810: Chart of forestry standards.

13 MR. CURTIS: Q. Mr. Ebbs, would you  
14 please discuss the items in this chart and your  
15 understanding of their meaning?

16 MR. EBBS: A. Perhaps, first of all, I  
17 should explain briefly where it came from. The other  
18 professional foresters associations in Canada, which I  
19 mentioned, have an ad hoc organization called the  
20 Canadian Federation of Professional Foresters  
21 Associations and we have agreed that we would work  
22 together to develop national standards for forestry  
23 practice.

24 In the course of doing that, of course,  
25 we are acutely aware of different codes of ethics and

1 standards that exist in the various provinces and even  
2 the Canadian Institute of Forestry. So it became  
3 necessary to try and get down to some kind of common  
4 terminology.

5 This chart is based on typical sort of  
6 terminology that would be applied to a profession with  
7 the interjection of the word forestry at appropriate  
8 places of course.

9 So under the overall term forestry  
10 standards, the first level of breakdown is between  
11 technical standards and professional standards. The  
12 technical standards, I would suggest, have been  
13 principally what you have been dealing with up until  
14 now in these hearings. Those are the standards that  
15 are applicable to the land; they could be set down as  
16 guidelines or manuals. They are those things that the  
17 owner of the land may apply to the land itself. So it  
18 doesn't matter who is managing the land under what  
19 circumstances, the owner, if you will, is applying  
20 standards.

21 The other side, that is our principal  
22 concern is the the professional standards and these are  
23 applicable in our case only to Registered Professional  
24 Foresters. As you can see, there are standards of  
25 qualification which we have spoken about so far. Also,

1 under professional standards there are codes of ethics  
2 which we have dealt with a few moments ago and here we  
3 stylized codes of ethics as being the moral  
4 underpinnings, if you will.

5 Within the codes of ethics there are  
6 really two sorts. One is the traditional ethics which,  
7 an example, in the case of the OPFA is our Code of  
8 Ethics.

9 There is also another subgrouping called  
10 forestry ethics which you will see in the bottom  
11 left-hand corner of the chart and those are those that  
12 are the professional's responsibility to the forest.  
13 Sometimes it is called a bio-ethic, sometimes it is  
14 called a land cannon; it could have have various terms.

15 Certain organizations, the traditional  
16 ethics and the forestry ethics could be combined  
17 together. That is what makes it very confusing to us  
18 as we wander from jurisdiction to jurisdiction. So  
19 this is perhaps not so much a description as to the  
20 various types of codes that exist within this dramatic  
21 diagram but an attempt to lead one through them with  
22 some sort of logic.

23 The bottom right-hand side of the chart,  
24 a large area called standards of practice, sometimes  
25 called code of professional forestry standards; it can



1 have various terms.

2 I think of standards of practice as being  
3 those things which a professional forester inherently  
4 does in reaching decisions; what sorts of knowledge do  
5 they have to have, what sorts of elements should be  
6 involved in making any sort of a decision, and there  
7 are some possible examples listed there such as  
8 building in the component to monitor the results,  
9 having adequate inventory or adequate knowledge before  
10 undertaken an activity.

11 This has been very difficult, as I'm sure  
12 you can appreciate, for us all to work out. For many  
13 of us in the profession across Canada these are new  
14 kinds of terms that we are beginning to sort out.

15 Q. Thank you. Is it possible, Mr. Ebbs,  
16 for technical standards to become professional  
17 standards?

18 A. Oh, I would think very definitely and  
19 this is what makes it so difficult sometimes to  
20 differentiate.

21 If there is a technical standard that can  
22 applied to any parcel of land under any ownership such  
23 that it becomes a common activity that all professional  
24 foresters would undertake and the profession adopts it  
25 as a professional standard, then the technical standard

1 could become a professional standard. It gets hazy  
2 between the two sometimes, very definitely.

3 Q. Thank you. I would like to discuss  
4 in turn what you have called traditional ethics,  
5 forestry ethics and standards of practice in a bit more  
6 detail.

7 Are there any provisions in the OPFA Code  
8 of Ethics, for example, that specifically relate to  
9 accountability and responsibility of RPFs?

10 A. The accountability and responsibility  
11 in our Code of Ethics is laid out in several sections.  
12 The responsibilities that they have to the public are  
13 laid out in Section 2; the duties to the employer are  
14 set out in various places in Section 3; Section 4 deals  
15 with duty to the client; 5, to other professional  
16 foresters; and Section 6 to himself.

17 Q. Can you briefly summarize in one  
18 sentence or so the gist of these sections?

19 A. Sorry, Mr. Curtis, I don't understand  
20 that question.

21 Q. Rather than reading them all, you  
22 mentioned that they are duties to the public, duties to  
23 the employer. What do these duties entail specifically  
24 that we can call it accountability and responsibility?

25 A. I'm sorry.

1 Q. I'm afraid I have lost you.

2 A. You totally lost me on that.

3 Q. Rather than read the particular  
4 sections, they are there for the Board to review.

5 A. Sorry about that.

6 Q. Perhaps we can just continue. Can  
7 you tell me whether the other professional foresters  
8 associations you referred to have similar codes of  
9 ethic as the OPFA?

10 A. All of the professional associations  
11 in Canada do have a code of ethics of some sort or  
12 another. They may include more or less of the forestry  
13 ethics which is the duties to the forest, depending on  
14 the organization.

15 Q. I would like to move on now to  
16 forestry ethics. Does the OPFA currently have what we  
17 can call a code of forestry ethics?

18 A. Recalling that the forestry ethics is  
19 the duty to the forest rather than the duty to the  
20 profession and to the public and so on; no, the OPFA  
21 does not have in its code of ethics a forest ethic.

22 Q. What about other professional  
23 foresters, organizations and other jurisdictions, do  
24 they have what we can call a code of forestry ethics?

25 A. There is a provision in the code of

1 ethics of the British Columbia Professional Foresters  
2 Association.

3 MR. CURTIS: I have an example of that I  
4 can pass out at this time, Madam Chair.

5 MADAM CHAIR: Thank you. This will be  
6 Exhibit 1811.

7 ---EXHIBIT NO. 1811: Code of ethics of the British  
8 Columbia Professional Foresters  
Association.

9 MADAM CHAIR: I have got a feeling, Mr.  
10 Curtis, we are not going back to Exhibit 1805.

11 MR. CURTIS: What was Exhibit 1805?

12 MADAM CHAIR: It was going to be one  
13 exhibit of overheads, but I think we will assign it one  
14 overhead only and that was the breakdown of employers  
15 of OPFA members. That will be Exhibit 1805.

16 MR. CURTIS: As you wish. We can group  
17 them together and...

18 MADAM CHAIR: It's fine.

19 MR. CURTIS: Okay.

20 MR. EBBS: The Association of British  
21 Columbia Professional Foresters...

22 MR. CURTIS: Q. Yes, if you want to  
23 continue discussing that.

24 MR. EBBS: A. We do have an overhead of  
25 that.



1 Q. I don't believe we do.

2 A. That's right. Included in the  
3 witness statement, Madam Chair, on page 16 at the  
4 bottom, paragraph 13, is one of the sections from the  
5 Association of British Columbia Professional Foresters  
6 Code of Ethics which says:

7 "The member will in all aspects of his  
8 work regard as his first responsibility  
9 the maintenance of the integrity of the  
10 forest resource, the protection and  
11 enhancement of the productive capacity of  
12 the resource, its perpetuation and the  
13 improvement of its utility and value to  
14 society."

15 That same section of the British Columbia  
16 Professional Foresters Association code goes on to say  
17 in subsection (c):

18 "He will guard against conditions or  
19 practices that endanger the productive  
20 capacity of forest land and reduce its  
21 potential utility or value to society and  
22 shall promptly bring such conditions or  
23 practices to the attention of those that  
24 are responsible."

25 MR. MARTEL: I wanted to ask you a

1 question because, like you, I listen to the news  
2 frequently, it's a habit.

3 There has been great controversey  
4 regarding British Columbia and what's happening in  
5 their forests. I just make that statement because  
6 that's a fact of life. I am not saying whether it is  
7 happening or not, I don't know, I haven't been here,  
8 but certainly you hear about it constantly and then you  
9 have this Code of Practice that sounds very positive  
10 and in the real world what's happening in B.C. in a  
11 paragraph or two...

12 MR. EBBS: Mr. Martel, it would be fair  
13 enough to say that the British Columbia Professional  
14 Foresters Association has been very aware, would be the  
15 best way to express it I am sure in these  
16 circumstances, of the conflict -- the apparent conflict  
17 that exists, and so they are very carefully examining  
18 these sections of their Code of Ethics.

19 Meanwhile, I might say, they are going  
20 through discipline hearings. They are not uncommon  
21 complaints, they are not uncommon, several of them at  
22 least relate to this section. I am not familiar with  
23 the details of them and the outcome of them, but  
24 obviously the interpretation of some of these terms  
25 must be very, very difficult for them and it's

1 something that we hear in this Association, as well as  
2 the Quebec Association, for example, which is presently  
3 trying to develop a forestry ethic. These are the  
4 sorts of difficulties that they are coming up against.

5 How can we ensure that our primary  
6 responsibility as foresters is to the forest and still  
7 have a workable relationship with the public who views  
8 our activities sometimes perhaps not in the best light  
9 because of their own knowledge and very definitely in  
10 relationship with our employer.

11 MR. MARTEL: That's the conflict that I  
12 am worried about when I asked you my first question  
13 because that's what it all hinges on, is how I think  
14 you will be able to protect your membership.

15 I would say we went through it when I was  
16 teaching. We had the same problem in the early 50's  
17 and 60's and it can create some problems for you.  
18 Unless you have that safeguard, can you in fact achieve  
19 this in conjunction with enlightened management, let's  
20 say?

21 MR. EBBS: I think you have said it, Mr.  
22 Martel, in terms of enlightenment management.

23 It is a tremendous challenge for such a  
24 small profession to be able to work it out with the  
25 employers of the profession. As far as we are

1 concerned there is no alternative to this. This is the  
2 way that it has to be. This is the way that we were  
3 trained to take as our first responsibility, the  
4 forest, and therefore it is a challenge for us and we  
5 fully intend to develop a Code of Ethics and a workable  
6 system overall because after all, it is not just the  
7 words on a flip chart or in a by-law, it is going to be  
8 the whole process, the system.

9 It is going to have to be worked out in  
10 conjunction with bodies such as the Board with the  
11 ministry, with the companies who employ the majority of  
12 our members.

13 MR. MARTEL: Can it be achieved with part  
14 of the profession staying out and refusing to join your  
15 association, becoming a member?

16 MR. EBBS: I would say yes, that we can  
17 achieve this level of standard. The difficulty will be  
18 that as long as it is voluntary, someone who doesn't  
19 want to have forests as their first responsibility  
20 might not join or might quit or if the going gets too  
21 tough they may back out, or if their employer says: I  
22 don't want the body of professionals telling you what  
23 to do, I want to tell you what to do, you can't belong  
24 to that Association.

25 There could be conflicts that arise. But



1 yes, so far as we are concerned, if the collective will  
2 of the members is such that we want to rise to this  
3 challenge, then we can achieve it, at least to a very  
4 large extent, under the present mandate of the  
5 Association.

6 How successful it will be will remain to  
7 be seen by the goodwill of those that we will be  
8 working with.

9 MR. CURTIS: Q. You referred, Mr. Ebbs,  
10 in an interrogatory response to MNR, it was  
11 interrogatory No. 7 which is on OMNR page 4 -- I don't  
12 intend to pass this out, Madam Chair.

13 You referred to the land ethic cannon of  
14 the Society of Americans Foresters. Is that similar in  
15 purpose and intent and meaning to the provision of the  
16 forestry ethic of the Association of British Columbia  
17 Forest Professional Foresters?

18 MR. EBBS: A. Yes, it is. As I said  
19 earlier, the Society of Americans Foresters is a very  
20 large organization; somewhere in the neighbourhood of  
21 26,000 foresters belong to it across the United States,  
22 some such as myself in other countries, and they have  
23 been working very hard on a forestry ethic which they  
24 call a land cannon. It is in the drafts stages and has  
25 been put to the membership through their periodical

1 journal and will be voted on I believe this fall.

2 Q. Thank you. What about other Canadian  
3 jurisdictions, are there forestry ethics elsewhere in  
4 Canada?

5 A. The Association of Forest Engineers  
6 in Quebec, our counterpart, has been working on a Code  
7 of Ethics that would include the duty to the forest as  
8 well.

9 Their work, as well as the continuing  
10 examination of the code in British Columbia, as I  
11 mentioned earlier, we are now cooperating together to  
12 assist each other in hopefully developing a national  
13 standard.

14 MR. CURTIS: I would like to introduce at  
15 this time, Madam Chair, as an exhibit a translation of  
16 the Quebec Code of Forestry Ethics.

17 MADAM CHAIR: That will be Exhibit 1812.  
18 ---EXHIBIT NO. 1812: Translation of the Quebec Code of  
19 Forestry Ethics.

20 MADAM CHAIR: Mr. Ebbs, is it the  
21 intention of your Association to develop a code of  
22 forestry ethics for Ontario, or are you putting your  
23 efforts into developing one at the national level?

24 MR. EBBS: Madam Chair, they would be  
25 concurrent. There are certain principles that we

1       firmly believe could apply to foresters anywhere, but  
2       there might be particular conditions that would apply  
3       just to Ontario or just Quebec and so on.

4                       So we will, through council of the  
5       Association, will be having a committee that will be  
6       working on both of them in essence at the same time.  
7       So that we share the experience of the other  
8       professionals across the country, but also have the  
9       capability and at the same time we will be adapting it  
10      for Ontario.

11                     MR. CURTIS:  Q.  What is the status of  
12      the Quebec code of forestry ethics?

13                     MR. EBBS:  A.  Similar to the Society of  
14      American Foresters, the Quebec code is in draft form,  
15      has been put to the membership, is undergoing the kinds  
16      of discussions such as I had with you, Mr. Martel, to  
17      debate the difficulties and the problems that could  
18      occur to try and overcome any inconsistencies in  
19      wording and that sort of thing.

20                     It is trying to confirm the application  
21      of it before putting it into the forest to make sure it  
22      will work.

23                     Q.  Is the Quebec Order of Forest  
24      Engineers participating in the national effort that you  
25      are referring to?

1                   A. Oh, yes. I didn't mention that the  
2 representative on the national committee to develop  
3 national codes is from Quebec and, indeed, this year  
4 the chairman of the Canadian Federation of Professional  
5 foresters Associations is president of the Quebec  
6 association.

7                   Q. Just for clarification purposes, the  
8 Quebec code uses the term forest engineers, how does  
9 that compare to the term RPF as used by the OPFA?

10                  A. They are essentially the same. Their  
11 shortform is lower case ing.f.

12                  In the Quebec association, they do admit  
13 forest engineers who are those that have Bachelor of  
14 Science Degrees, but without the broad extent of forest  
15 management subjects. They are called forest engineers.  
16 The level of academic qualification and experience and  
17 so on would be similar to a Registered Professional  
18 Forester.

19                  Q. Thank you. Moving on to the code of  
20 standards of practice. Does the OPFA currently have a  
21 code of standard of forestry practice?

22                  A. No, the Association doesn't have a  
23 written down standard at this time.

24                  Q. What are codes of standards of  
25 forestry practice in the sense of how would something



1       like that be used in the field?

2                       How would a forester in the field know  
3       that standards they must abide by if there is nothing  
4       set down in writing?

5                       A.   Where they are not set down in  
6       writing, the standards are inherent in the basic  
7       academic training and the milieu of experience that  
8       most foresters should have.

9                       They exist as, if you will, a body of  
10      standards that survives from one generation to another  
11      of foresters which are modified as increases in  
12      knowledge and technology come along.

13                      Q.   When you say that they are inherent,  
14      for example, if a complaint was laid against the  
15      member, how would one determine in those circumstances  
16      whether a standard of practice may have been complied  
17      with?

18                      A.   Not having them written down, it  
19      would have to be a tribunal of professionals that would  
20      make the determination as to whether the individual  
21      acted in an appropriate fashion in that circumstance.

22                      Q.   Should standards of practice be  
23      codified, in your view?

24                      A.   Certainly from the exercise of trying  
25      even to identify the terminology, certainly lead me to

1 the belief it should be, but more importantly, I think  
2 that they have to be written down at least in some  
3 general terms so that not only do the foresters have a  
4 basis for judging their own intended activities, but  
5 that the public would know what to expect of foresters.

6 One example I think would be that right  
7 now some members of the public cannot differentiate  
8 between the standard that's applied by the owner or  
9 manager of the land and the standard that's applied by  
10 the forester who is carrying out that activity.

11 So foresters at certain times, if you  
12 will, tend to be blamed for activities which were not  
13 within their realm of activity.

14 Q. What about other professional  
15 foresters organizations, do any of those have a code of  
16 standards of forestry practice?

17 A. The Canadian Federation of  
18 Professionals Foresters Association is just beginning  
19 its examination and gathering information that we can  
20 from around the world.

21 Preliminary indications are that it has  
22 not been written down for the professional forestry in  
23 the same sort of sense that we are approaching it here.  
24 Certainly, there are many technical standards available  
25 for many, many jurisdictions, but the professional

1 standards other than the codes of ethics; that is, the  
2 code of professional forestry standards, to my  
3 knowledge, is not written down yet anywhere in the  
4 world.

5 Q. The national effort that you are  
6 referred to through the CFPFA, the Canadian Federation  
7 of Professional Foresters Associations, will that  
8 include an effort to develop a code of standards of  
9 forestry practices?

10 A. Yes, it will. We are working on all  
11 three almost at the same time because of the overlaps  
12 that occur in various jurisdictions; that is, the code  
13 of conduct or the traditional ethics, the duties to the  
14 forest, the forestry ethics, but also the code of  
15 professional forestry standards. We will be working on  
16 them on a national basis as well as individually.

17 Q. You have indicated that a high level  
18 of support exists within the profession for these  
19 initiatives. What about from outside the profession,  
20 is there any support for the development of  
21 professional standards from outside the profession?

22 A. One of the first indications that I  
23 had that someone else was interested was at the  
24 Canadian federation meeting in August of 1990 in  
25 Fredericton.

1                   We had the opportunity to meet with the  
2           Honourable Bud Bird who is chairman of the Forestry  
3           Subcommittee of the - I have to get this right -  
4           Standing Committee on Forestry and Fisheries. At that  
5           time, Mr. Bird and his committee were considering what  
6           the duties and responsibilities of the Federal  
7           Department of Forestry should be. He did express a  
8           great deal of interest in the development of national  
9           standards of practice for foresters.

10                   The committee did in its report make the  
11           recommendation that the federal government should  
12           provide whatever assistance they could and cooperate  
13           with the Professional Foresters Association in  
14           developing a national code of ethics.

15                   MR. CURTIS: I would like to tender that  
16           as an exhibit, Madam Chair. I have a copy of an  
17           excerpt from that report.

18                   Q. Is there any provision of that report  
19           that you wish to bring to the attention of the Board?

20                   MADAM CHAIR: Excuse me, Mr. Curtis.  
21           This will be Exhibit 1813.

22           ---EXHIBIT NO. 1813: Excerpt from the Standing  
23                                   Committee on Forestry and  
                                  Fisheries' report.    \*

24                   MR. EBBS: Madam Chair, Mr. Martel, on  
25           page 118 of this exhibit you will see recommendation



1 No. 20 which was that:

2 "The committee recommends that Forestry  
3 Canada in cooperation with the Canadian  
4 Federation of Professional Foresters  
5 Associations assist and facilitate the  
6 development and enforcement of  
7 national standard for professional  
8 forestry practices."

9 MR. CURTIS: Q. On page 117, Mr. Ebbs, I  
10 would like to refer you to the second paragraph  
11 beginning with: There can be no doubt..."

12 For the interest of the Board and the  
13 record, could you please read that into the record?

14 MR. EBBS: A. The paragraph reads:

15 "There can no doubt that the future  
16 agenda for forestry in Canada will  
17 increasingly require professional  
18 regulation of forestry practices. While  
19 recent initiatives by the profession are  
20 allottable, nevertheless in many quarters  
21 they are perceived to be late in  
22 recognizing enhanced responsibilities.  
23 The profession has become increasing  
24 criticized for not adequately enforcing  
25 standards of practice among its members.

1                   The profound change in how the public  
2                   views its forests from a generator of  
3                   wealth to an environmental resource has  
4                   led to unprecedented public attention on  
5                   professional foresters and there is  
6                   increasing pressure for them to improve  
7                   their approach to self-regulation of  
8                   forestry standards and practices."

9                   It goes along very much I think with what  
10                  I was saying earlier. The profession very definitely  
11                  realizes that we must do this.

12                   I think you should appreciate as well  
13                  that these sorts of comments coming in the parliamentary  
14                  report are as a result of listening to a large number  
15                  of people who appeared before the committee, including  
16                  professional foresters, some of whom expressed this  
17                  opinion.

18                   Q. Thank you. In addition to this House  
19                  of Commons committee, are there any other organizations  
20                  expressing interest or wish to have input to this  
21                  process?

22                   A. The most recent example that I can  
23                  provide the Board was that when the federation met in  
24                  Ottawa on the April the 8th we were able to spend some  
25                  time with John Houthon who is chairman of the forestry

1 sector of the round table on environment and economy.  
2 He, too, expressed a great deal of interest in the  
3 professional foresters developing a national standard.

4 I guess something that -- as he began his  
5 examination of what was happening in forestry, he began  
6 to recognize that there were a body of professionals  
7 out there that he, although with some experience, began  
8 to identify as not having a standard by which they  
9 could judge themselves.

10 The Federation was -- that was the  
11 meeting in which the Federation formulated our specific  
12 plans for the project of developing national standards.  
13 A press release was issued the following day.

14 MADAM CHAIR: Excuse me. Can you remind  
15 the Board what this organization is, Mr. Ebbs?

16 MR. EBBS: The Canadian Federation of  
17 Professional Foresters Association.

18 MADAM CHAIR: No, the round table I mean  
19 on the environment and the economy?

20 MR. EBBS: The National Round Table on  
21 the Environment and the Economy has been set up with  
22 its counterparts in provincial organizations -- sorry,  
23 in each provincial jurisdiction.

24 MADAM CHAIR: All right. You were  
25 invited to speak to this organization?

1 MR. EBBS: The chairman of the forestry  
2 sector met with the Canadian Federation at our meeting.

3 MADAM CHAIR: All right. Thank you.

4 MR. CURTIS: Thank you.

5 Q. You have indicated support from the  
6 round table and the parliamentary committee.

7 What about the general public? Do you  
8 think there is support among the general public for  
9 initiatives like this from the forestry profession?

10 MR. EBBS: A. I certainly would have  
11 every reason to believe so. I think it's important,  
12 since we are dealing with a public resource, that the  
13 public also have some knowledge as to how to judge the  
14 professionals' actions.

15 Q. Thank you. I would like to get a  
16 little bit more into how the OPFA can ensure that  
17 members comply with professional standards.

18 Could you just briefly review some of the  
19 mechanisms of the OPFA or the programs of the OPFA that  
20 might assist it in ensuring that members comply with  
21 professional standards?

22 MADAM CHAIR: Mr. Curtis, I should have  
23 told you when we began this morning that we normally  
24 take a break around this time.

25 If you would like to finish this question

1 with Mr. Ebbs we can go ahead and do that and then  
2 break.

3 MR. CURTIS: Sure. That would be  
4 appropriate.

5 MR. EBBS: The act and by-laws of the  
6 Association provide for the suspension of expulsion of  
7 a member. There has to in, obviously in an  
8 organization, be more than that. We have to be  
9 supportive of good forestry practices and try and  
10 prevent poor practice or poor conduct. The preventive  
11 nature of an Associations such as ours must be  
12 paramount. So there has to be awareness, education of  
13 the members that occurs at all times as to what  
14 expected performance is.

15 There also has to be the capability in  
16 the organization to provide guidance and advice in any  
17 given circumstances and if necessary, if worst comes to  
18 worst, then there should be the capability of enforcing  
19 the code of ethics of good forestry practices.

20 MR. CURTIS: Thank you. This would be an  
21 appropriate time, Madam Chair, to break if you wish.  
22 We can continue following the break.

23\* MADAM CHAIR: Thank you, Mr. Curtis. We  
24 will take a 20-minute break now.

25 ---Recess at 10:25 a.m.



1 ---On resuming at 10:55 p.m.

2 MADAM CHAIR: Please be seated.

3 MR. CURTIS: Q. We ended, Mr. Ebbs, with  
4 you discussing the enforcement of the standards with  
5 RPFs. Can you tell me whether the OPFA has any  
6 jurisdiction to promote and enforce professional  
7 standards in relation to foresters who are not RPFs?

8 MR. EBBS: A. Well, I think, as it  
9 became abundantly clear from my response to Mr.  
10 Martel's question, that very definitely we do not have  
11 any authority over non-members of the Association.

12 Q. So to expand on that a bit, what role  
13 could the OPFA play in the event that professional  
14 standards are violated by a forester who is not an RPA?

15 A. I would think that the Association  
16 could provide a source of knowledge, to provide advice  
17 should a situation arise. I do believe that would be  
18 the extent of what we could possibly do.

19 Q. So just to put it another way, can a  
20 forester who is not an RPF be held professionally  
21 accountable and responsible by the OPFA?

22 A. No, they can't.

23 Q. Given the nature of the OPFA, how  
24 would you describe its role in relation to the other  
25 parties in the area of the undertaking?

1                   A. It has been our view since the start  
2                   that we are really a third party to what has been going  
3                   on at these hearings in that our membership encompasses  
4                   all employers of foresters in the province, probably  
5                   about 120 different employers or more.

6                   What we are concerned with is how the  
7                   principles of the outcome of this hearing are  
8                   translated into practice by our members. Our interest  
9                   is in good forestry practice by our members. The end  
10                  result of this...

11                  Q. Thank you. Can you tell me whether  
12                  there are any examples of the OPFA addressing complaint  
13                  regarding conduct of professional foresters?

14                  A. Yes, there was one formal complaint  
15                  that was lodged a number of years ago in which a member  
16                  of the Association alleged that four of his superiors  
17                  had ordered him to go against what he felt were good  
18                  forestry practices, the public interest and indeed  
19                  against their employer's policies.

20                  The Association did refer this complaint  
21                  to the Practice Ethics and Discipline Committee, but  
22                  unfortunately, since they did not have power of  
23                  subpoena, either for documents or individuals, they  
24                  were not able to proceed with it due to lack of  
25                  evidence.

1 Q. Have there any been any other  
2 instances of complaints being made and dealt with by  
3 the OPFA?

4 A. No, there haven't been.

5 Q. Why have there been so few complaints  
6 over the years regarding the conduct or practices of  
7 RPFs?

8 A. It would be speculation, but I think  
9 we have dealt with some of it earlier this morning in  
10 that the Association is voluntary in its membership; it  
11 is not required for most foresters in their positions  
12 to belong to it.

13 Also, I think that the members and others  
14 recognize the lack of power of the Association. We  
15 have don't have control over non-members, we cannot  
16 subpoena evidence and so on.

17 I think as well that in many  
18 circumstances that have arisen there is an inability to  
19 identify who was actually responsible for the  
20 particular forestry action. Accountability is  
21 something that we are very concerned with as  
22 professionals and as a professional association. I  
23 think you probably heard it expressed best by Dr.  
24 Baskerville a number of times.

25 Q. And what if a similar complaint were

1 made today, how would a similar case be handled today  
2 by the OPFA?

3 A. I think that the Association might be  
4 able to do more now in spite of not having power of  
5 subpoena, partly through Freedom of Information. We  
6 likely would be able to obtain some information if it  
7 were required, if it were government information.

8 I think that there is a heightened public  
9 interest in the affairs in the forest and that  
10 information, therefore, might be more forthcoming  
11 should we proceed with investigating a complaint.

12 Q. Is the OPFA taking any steps to  
13 improve its ability to regulate standards of forestry  
14 practice and deal with complaints such as the one you  
15 referred to?

16 A. Well, certainly as we discussed  
17 earlier this morning, the development of standards I  
18 think is very critical. This will provide both to our  
19 members and to the public standards by which our  
20 members can be perhaps better judged.

21 Also, the members of the Association have  
22 through resolution at several annual meetings directed  
23 the council of the OPFA to investigate the possibility  
24 of making the professional right to title; that is, a  
25 licence -- sorry, right to practice; that is, a



1       licensing organization. We are proceeding in that  
2       direction.

3                   Q. What effect will licensing and  
4       legislation have on the ability of the OPFA to regulate  
5       standards of practice of its members?

6                   A. All things considered; that is, that  
7       we as an Association have the right to subpoena and  
8       have the appropriate mechanisms in place to due proper  
9       investigations and discipline hearing and so on. The  
10      Association will then have a much better capability of  
11      regulating the standards of practice of foresters in  
12      the province.

13                   It could also provide that those who are  
14      presently not members of the Association would fall  
15      under the same sort of entry requirements,  
16      qualifications by way of education and experience and  
17      that non-members would be subject to disciplinary  
18      procedures and so on.

19                   Q. Would they in fact be non-members in  
20      you had licensing legislation?

21                   A. No. In effect, every forester  
22      practising would have to be a member, yes.

23                   Q. Would any other provisions of the  
24      legislation require amendment in conjunction with a  
25      licensing initiative?



1                   A. The act to incorporate the Ontario  
2 Professional Foresters Association was set up in 1957,  
3 as I said initially, and its purpose was not to cover  
4 all of these aspects.

5                   We are currently exploring what would we  
6 require by way of updating our disciplinary procedures,  
7 what would be necessary by way of a process of  
8 investigating complaints.

9                   Right now, all we can do is suspend or  
10 expel a member, but probably due legislation should  
11 include elements of lesser sorts of sanctions for an  
12 individual; for example, it could be restricted until  
13 they received education in that particular aspect of  
14 forestry that was lacking in their previous training or  
15 education.

16                  I think also that discussions in the  
17 council of the OPFA are leading towards some sort of an  
18 active approach to discipline rather than sitting  
19 around, if you will, waiting for complaints to come in.  
20 Council is considering exploring possibilities of  
21 actually auditing members' work, requiring -- another  
22 alternative could be to require periodic examination to  
23 ensure that members are keeping their knowledge up to  
24 date and that sort of thing. There are a variety of  
25 options available.

1                   MADAM CHAIR: Excuse me, Mr. Ebbs. Are  
2                   you telling the Board that you are working on  
3                   recommendations to change your legislation?

4                   MR. EBBS: That's correct, Madam Chair.

5                   MADAM CHAIR: Could you remind the Board  
6                   again what direction you see those proposed changes  
7                   heading?

8                   MR. EBBS: It would be in essence to have  
9                   the profession of forestry licensed in Ontario, that  
10                  one could not practise forestry without being licenced  
11                  to do so by an organization such as the Professional  
12                  Foresters Association or under new legislation.

13                  MADAM CHAIR: Would there be any  
14                  opposition to that change in your role?

15                  MR. EBBS: I would anticipate that there  
16                  would be opposition from -- or certainly serious  
17                  questions from several quarters.

18                  One is the general disinterest of the  
19                  public in having professions self-regulate themselves.  
20                  If we go on the basis of experience of a certain  
21                  profession here today and others such as medicine and  
22                  so on, there has been some concern expressed about  
23                  that.

24                  The opposition could also come from  
25                  employers who initially could view it as a union

1 activity that they would in essence feel threatened by  
2 such a requirement for their employees.

3 Another possibility would be from those  
4 who are not foresters; in other words, the technicians  
5 who would feel that perhaps that could be inhibited in  
6 their own activities in their employment. We don't  
7 feel these are surmountable problems.

8 MADAM CHAIR: Why would the forest  
9 technicians have that perception?

10 MR. EBBS: There is an obvious overlap  
11 between -- in many situations between what forest  
12 technicians do and what foresters do.

13 It's difficult with certain employers if  
14 they don't have many technicians or many foresters to  
15 differentiate; therefore, at certain times a technician  
16 in one organization may be undertaking some of the  
17 activities that in another organization would typically  
18 be done by a forester. There is some confusion that  
19 can exist. They might also in a personal sense view it  
20 as a limitation on their ability to advance themselves  
21 in the organization.

22 MR. MARTEL: You don't mention foresters.

23 MR. EBBS: Sorry, sir?

24 MR. MARTEL: You don't mention foresters  
25 as some of those who might oppose licensing. The

1 foresters who do not belong to your Association today--

2 MR. EBBS: That's correct.

3 MR. MARTEL: --many of them, I suspect,  
4 could lead the opposition to such a change in the  
5 legislation which would give you licensing power  
6 because that's why they haven't joined.

7 MR. EBBS: Indeed, Mr. Martel, I think  
8 that's probably true, but the reverse is also true in  
9 my experience, and that is there are those who are not  
10 members of the Association who have not joined because  
11 they feel the Association doesn't have any power.

12 If there were licensing, then they would  
13 appreciate that power and they would readily support it  
14 I'm sure. I think it does work both ways.

15 MR. MARTEL: I wouldn't say it doesn't  
16 work both ways. I just mentioned that some of them  
17 might object to it, that it might be foresters  
18 themselves. You didn't flag that group.

19 MR. EBBS: Thank you for reminding me,  
20 sir.

21 MADAM CHAIR: You said, Mr. Ebbs, you  
22 have 900 members?

23 MR. EBBS: That's correct.

24 MADAM CHAIR: How many practising  
25 foresters are there in Ontario?

1                   MR. EBBS: Of our 900 members we estimate  
2                   that there are about 760 or so who are practising  
3                   forestry in Ontario. As you can appreciate, there are  
4                   some who belong to the Association who are not actively  
5                   involved in forestry.

6                   A survey we did two years ago now -- I  
7                   believe this was in response to the Ministry of Natural  
8                   Resources' first interrogatory. A survey we did of all  
9                   of the major potential employers of forestry -- of  
10                  foresters indicated that they are in the neighbourhood  
11                  of another 300.

12                 So our best estimate is that there are  
13                 between a thousand and 1,100 individuals practising  
14                 forestry. Defining the practice of forestry perhaps in  
15                 the broadest sense to include teachers and those in  
16                 somewhat senior management in organizations and so on.

17                 MADAM CHAIR: Is your evidence that of  
18                 those 300 foresters who have chosen not to belong to  
19                 the OPFA, that the reason is a benign reason, that they  
20                 don't see any value in joining it as opposed to  
21                 hostility, that they see their interests working  
22                 against those of the OPFA?

23                 MR. EBBS: Madam Chair, I wouldn't like  
24                 to give the impression it is either one way or the  
25                 either. One would have to ask each individual as to



1       why they didn't belong. Those that I'm aware of -- and  
2       some of those 300 or so are those that used to belong  
3       and resigned for one reason or another.

4                   The answers that I have are that I'm not  
5       getting my money's worth because it doesn't have enough  
6       power, it doesn't do enough for them. Others are just  
7       totally disinterested.

8                   Certainly, there are those who would be  
9       in opposition to any sort of an organization just by  
10      the nature of their own personality. There might be,  
11      indeed, be some who are opposed in principle to the  
12      possibility of licensing for a variety of reasons, some  
13      of which we have discussed here.

14                  MADAM CHAIR: But I think the matter you  
15      raised before the break was that there might be  
16      foresters who are non-members who in some way are  
17      practising forestry in a way that doesn't fit into the  
18      OPFA or practising bad forestry.

19                  MR. EBBS: I certainly hope --

20                  MADAM CHAIR: Or whose employers wouldn't  
21      abide by the general objectives of the OPFA?

22                  MR. EBBS: That is a possibility. I am  
23      unaware of any specific circumstances.

24                  I hope that the impression I can leave is  
25      that that possibility could exist, but I'm unable to

1 give specific instances.

2 MADAM CHAIR: But you don't see it as  
3 being a large aspect, non-membership?

4 MR. EBBS: That's correct, Madam Chair.  
5 I think that the nature of forestry education and the  
6 nature of the profession as a whole, whether they are  
7 members or non-members, certainly in my experience over  
8 the last three years leads to me to believe that they  
9 are all conscientious individuals.

10 MADAM CHAIR: Thank you.

11 MR. CURTIS: Q. In terms of potential  
12 opposition or concern, Mr. Ebbs, on the licensing  
13 initiative of the OPFA, how would the OPFA propose to  
14 address that during its process in developing this  
15 initiative?

16 MR. EBBS: A. We are very aware that we  
17 are not going to achieve a professional licensing  
18 status without the cooperation of all of those that are  
19 involved.

20 If the government doesn't want it to  
21 happen, if the employers do not see benefit in it, if  
22 the non-members of the Association, forester  
23 non-members and the technicians don't see it as a  
24 benefit to them, then I don't believe it can happen.

25 So what we have to do is to announce our

1 intentions as we have several times, and we are  
2 obviously becoming more vocal about it, to the  
3 government. We have requested a meeting, for example,  
4 with the Ministry of Natural Resources and would hope  
5 to do so with others of those in Cabinet.

6 We would hope that the major employers,  
7 such as the Ministry of Natural Resources, would be  
8 willing to meet with us to discuss the implications to  
9 them and the ways that we can work together to develop  
10 this principle into something that works for all of us.

11 MR. MARTEL: If you indicated the make-up  
12 of -- as you prepare to discuss this with anyone, I  
13 would think that the make-up of any board, if it  
14 includes the general public based on other incidents  
15 where we had self-regulating bodies, would make a  
16 significant impact on those people who you are going  
17 to; whereas if you went with just foresters making the  
18 whole make-up of your Board without any public  
19 involvement you might find your reception less well  
20 received.

21 MR. EBBS: Certainly, Mr. Martel, we are  
22 very aware of it in the political sense, but also we  
23 recognize as well that the majority of our work is on  
24 publicly owned land, but even those foresters that are  
25 working on private land, in essence, hold some

1 responsibility to the public.

2 Therefore, we think it's very important  
3 that on the council, perhaps on the discipline  
4 committee, that there be representatives of the public  
5 appointed in an appropriate fashion and so on and we  
6 will be dealing with that later on in the testimony and  
7 it was a subject of an interrogatory from the Forest  
8 Industries Association.

9 MR. CURTIS: In fact, we will perhaps  
10 deal with that right now. This is a response to OFIA  
11 interrogatory No. 1(a).

12 Q. Is there anything you wish to add  
13 based on that answer, Mr. Ebbs?

14 MR. EBBS: A. Mr. Curtis, I think Mr.  
15 March introduced the subject. I think that all that I  
16 can add to it is that we are uncertain at this time as  
17 to how that member would be appointed. It's a  
18 difficult proposition, but it is something that  
19 definitely deserves further thought.

20 I should add that a great deal of what I  
21 am saying in relation to the licensing initiative of  
22 the Association is at this time in the discussion  
23 stages, in the formative stages, in the exploration  
24 stages. All of this has to be further flushed out and  
25 developed and discussed with the members and the

1 members educated about it and get their permission to  
2 go to the government and employers and so on with a  
3 more detailed package.

4 MR. CURTIS: I would like to move along  
5 to address some points with Mr. Brown at this stage.

6 First, Madam Chair, I would like to  
7 introduce as an exhibit a recent survey of professional  
8 foresters in Canada commissioned by Forestry Canada.

9 Q. Mr. Brown, are you familiar -- excuse  
10 me.

11 MADAM CHAIR: We will identify this for  
12 the court reporter, Mr. Curtis.

13 This is a survey of Professional  
14 Foresters in Canada, a final report to Forestry Canada  
15 by Omnifax Research Limited and Environics and Crop  
16 Inc., dated January 1991. It looks like it is a  
17 37-page document plus 10 pages of appendices.

18 MR. CURTIS: Q. Mr. Brown, you are  
19 familiar with that document?

20 MADAM CHAIR: Excuse me. That will be  
21 Exhibit 1814.

22 ---EXHIBIT NO. 1814: Survey of Professional Foresters  
23 in Canada, a final report to  
24 Forestry Canada by Omnifax  
25 Research Limited and Environics  
and Crop Inc., dated January  
1991, consisting of 37 pages and  
10 pages of appendices.



1 MR. BROWN: Yes, I have seen it.

2 MR. CURTIS: Q. Are there any portions  
3 in this document you feel are relevant to the roles of  
4 professional foresters in the area of the undertaking  
5 and which may be of interest to the Board?

6 MR. BROWN: A. I would recommend the  
7 entire document at some point; however, I will  
8 highlight two paragraphs out of the executive summary,  
9 if I might.

10 MR. CASSIDY: Madam Chair, I have a  
11 concern I am going to raise at this point in respect of  
12 this.

13 You know that we have had a discussion  
14 some time ago about public opinion surveys when Mr.  
15 Hanna, I believe it was, introduced one in respect of  
16 public attitudes about forestry. I would like to  
17 reiterate the concerns Ms. Cronk indicated at the time  
18 about the use of these surveys in evidence.

19 I don't know what the intention of the  
20 OPFA is in respect of this survey because it wasn't  
21 part of their witness statement and probably couldn't  
22 have been because of the date.

23 In any event, the concern I have is that  
24 it is essentially the same problem we ran into with the  
25 earlier survey and that is, its admissibility into

1 evidence is subject to that very real concern that we  
2 do not have the person who took the survey present here  
3 by which we can cross-examine and get into the details  
4 of how this survey was conducted and the scientific  
5 validity, et cetera.

6 As a result, I would like to repeat the  
7 concern that Ms. Cronk had about the admissibility of  
8 such a document for all the reasons which were  
9 indicated when she made the objection to Mr. Hanna's  
10 survey.

11 MR. CURTIS: Madam Chair, on the point,  
12 what we intend to do with the document is simply to  
13 highlight some very significant portions of it without  
14 going into the details. We don't plan to go through  
15 the document or rely on it in terms of proving any of  
16 our points, for example, in our terms and conditions or  
17 the statement of evidence.

18 It is a very recent document and we  
19 simply wanted to point out some of the thinking of RPFs  
20 across Canada and how that ties into some of the points  
21 we are making here, mostly for the interest of the  
22 Board and that sort of thing.

23 MR. CASSIDY: Well, therein is my  
24 problem. I don't have a witness who I can  
25 cross-examine about how this study was done, the nature

1 of it. All I have is the words here. If I were to ask  
2 this witness he is going to say: I don't know, all I  
3 have is what's here.

4 If the intention of the OPFA is to  
5 introduce this with a view to saying this is what  
6 foresters think in Canada, I respectfully suggest that  
7 it cannot be admitted for that purpose and it should  
8 not be listened to by the Board because it puts me in  
9 the position of, if I were to challenge the validity of  
10 this study I have no witnesses who I can cross-examine  
11 about that and, as a result, that's the very same  
12 reason we were objecting to Mr. Hanna introducing into  
13 evidence the survey he tried to introduce, and again I  
14 repeat my objections to its admissibility for that  
15 reason.

16 MADAM CHAIR: Didn't we address this  
17 problem, Mr. Cassidy, in an earlier panel where we did  
18 allow the Canada Wildlife Survey Public Opinion Data by  
19 Dr. Payne to be put before the Board?

20 I thought the resolution of this  
21 particular matter was that the Board would put whatever  
22 weight it thought appropriate on the evidence taking  
23 note of the fact that the extent to which the Board can  
24 rely on it is more limited because we don't have a  
25 witness in front of us.

1                   MR. CASSIDY: I am advised that there may  
2                   be nuances with respect to Mr. Payne being involved in  
3                   the preparation of that data which I don't believe are  
4                   existing here, and as a result it might have been  
5                   possible to cross-examine him.

6                   I will be brief on this. My point is  
7                   that it is not admissible at all. If the Board decides  
8                   to admit it and holds it on the basis that it will  
9                   accord whatever weight it decides to, then so be it. I  
10                  am prepared to abide by that, of course.

11                  My position, however, is on the record  
12                  that it is inadmissible for the purpose that it creates  
13                  an unfairness with respect to the ability on certainly  
14                  my part and any other counsel who wishes to  
15                  cross-examine to do that. So I have state my position.

16                  If you are going to admit it on the basis  
17                  that you are going to accord whatever weight you decide  
18                  it does or does not have, obviously my submission at  
19                  this point is that it should have very little weight,  
20                  if any, on the basis that you do not have the ability  
21                  to have it tested under cross-examination and I will be  
22                  making that argument down the road as well.

23                  MADAM CHAIR: Mr. Cassidy, what is your  
24                  particular objection?

25                  Are you objecting to the admitting of

1 this survey on the principle of how we look at survey  
2 results in this hearing, or is there something  
3 specifically about this survey that you object to?

4 MR. CASSIDY: It is a question of  
5 fundamental fairness. If this is being held out as the  
6 truth of what foresters think in Canada, which is what  
7 I understood Mr. Curtis just say, this witness isn't  
8 going to be able to tell me other than the fact he has  
9 read it about how that was done so I can test that very  
10 proposition: Is this what foresters think in Canada.

11 Well, the only person I can ask that is  
12 the person that did the survey; that is, I believe,  
13 Omnifax Research. So it is a question of fairness. I  
14 have no way of testing that. I know what the answer is  
15 going to be.

16 With respect to the contents, it is not a  
17 matter of looking at the contents at this point, it is  
18 a question of fundamental fairness to a party which is  
19 why I object. That's the whole reason why you have to  
20 have witnesses available to cross-examine so that you  
21 at least have somebody to ask about it.

22 Mr. Hanna might also argue that since his  
23 survey was excluded that this one should be, too,  
24 although he is not here --

25 MADAM CHAIR: He gave notice to the Board



1       that he would in fact be bringing evidence on that  
2       survey in his case.

3                       Here is the problem the Board has. We  
4       have in front of us a witness, and if Mr. Ebbs and Mr.  
5       Brown cannot speak to what they think foresters in  
6       Ontario feel -- are you challenging the fact that they  
7       can speak on behalf of their members?

8                       If they are saying that this document in  
9       fact in their opinion reflects some of the feelings of  
10      their members, are you saying the Board shouldn't hear  
11      that?

12                      MR. CASSIDY: That's essentially what I  
13      am saying because I don't have any evidence of them  
14      going out and doing this survey, so they are relying on  
15      what this survey says.

16                      MADAM CHAIR: I understand what your  
17      point is, but are you saying about before Mr. Ebbs came  
18      to testify before the Board he should have had a  
19      consulting company talk to his members so he could tell  
20      the Board what he thinks his members feel?

21                      MR. CASSIDY: It is not for me, Madam  
22      Chair, to tell the OPFA how to lead their evidence.

23                      If they establish the proper basis that  
24      he had gone out and spoken to people among its  
25      membership or whatever, that's up to them to lead that

1 evidence and try and convince the Board and it would  
2 lead to whatever weight it does.

3 I am simply focusing on the essence of  
4 this study. With respect, we are in the same situation  
5 that we were in with Mr. Hanna leading evidence about  
6 what the whole Canadian public purported to think  
7 through a survey.

8 I am not in any better position now than  
9 I was with Mr. Hanna's survey in that I don't have any  
10 way of cross-examining the people who did the survey to  
11 determine whether or not it is valid.

12 MADAM CHAIR: Ms. Seaborn, do you have  
13 something to say about this?

14 MS. SEABORN: Yes.

15 With respect, Mr. Cassidy, I think it is  
16 a different question here. We have the OPFA who is  
17 here and speaking on behalf of its membership, as I  
18 understand how these witnesses were qualified.

19 I agree with Mr. Cassidy, Madam Chair,  
20 that in terms of how the survey was conducted, the  
21 number of people sampled, all of those issues, we don't  
22 have the company here so there is no opportunity for  
23 anyone to test how the survey was put together and that  
24 goes to the issue of weight; what weight, if any, can  
25 be put on the survey.

1                   But if these witnesses are going to rely  
2                   on comments in the survey to support what they feel  
3                   their members think about forestry matters in Ontario,  
4                   I would submit that that's entirely appropriate for  
5                   them to do.

6                   MADAM CHAIR: Would it be any different  
7                   if Mr. Ebbs and Mr. Brown had submitted a number of  
8                   articles to the Board and said: We think the way the  
9                   author has stated this position is reflective of our  
10                  memberssship's views?

11                  MS. SEABORN: Exactly. That's happened  
12                  on technical matters throughout. People who are  
13                  experts in silviculture have relied on studies prepared  
14                  by professsors and documents and journals.

15                  The difference we have here is we do have  
16                  a survey and surveys have always been treated somewhat  
17                  differently, but I would submit there is no problem  
18                  with these witnesses giving their opinion on matters  
19                  that are within their expertise.

20                  MR. CASSIDY: No question. I don't  
21                  object to that, but what I object to is that there is  
22                  opinion to support that in the context where I have no  
23                  way of testing the validity of this opinion. The  
24                  opinion being of these researchers that this is what  
25                  foresters across Canada seem to think about matters.

1 MADAM CHAIR: Okay.

2 MR. CASSIDY: Now, my concern of course  
3 is that this goes beyond simply their own members,  
4 Madam Chair, and it doesn't even relate to RPFs. I  
5 think it is simply professional foresters, although  
6 that we can seek that clarification from the witness.

7 MADAM CHAIR: Let's put this to Mr.  
8 Curtis. Mr. Curtis, are you satisfied to have your  
9 witnesses comment on opinions in this survey that they  
10 feel are reflective of OPFA membership without any  
11 comment on the validity of the report?

12 Are you going to not ask the Board to  
13 accept that this is an entirely valid and  
14 scientifically acceptable report, or are you looking at  
15 it with respect to having your witnesses able to  
16 comment and suggest to the Board that some of these  
17 opinions are shared by foresters in Ontario?

18 MR. CURTIS: That is the intent, Madam  
19 Chair, in that there are particular provisions that are  
20 summarized here that I will ask the witnesses to  
21 comment on insofar as it reflects the OPFA and members  
22 of the OPFA and the attitudes.

23 MADAM CHAIR: Are you satisfied, Mr.  
24 Castrilli, if the Board -- we are putting aside whether  
25 this is a valid study or not, we are not going to



1 accept that these are scientifically valid results from  
2 some sort of survey technique.

3 We are interested in hearing from Mr.  
4 Ebbs some of the general reflections of foresters in  
5 Ontario if he thinks that some of these comments are  
6 applicable to the thinking of his members. That's of  
7 interest to the Board.

8 MR. CASSIDY: I appreciate that, Madam  
9 Chair. There is a lot of things in which we are all  
10 interested in and I am interested in that as well.

11 The way I suggest we get around that is  
12 simply express those opinions if he feels capable of  
13 doing that with respect to the Ontario forester public  
14 opinion among Ontario foresters without reference to  
15 this document.

16 If he is not using it -- if he is only  
17 using it as a reference to say this is what Ontario  
18 foresters think, if he is not using it as to lend any  
19 weight to it, then simply do it without reference to  
20 the document and my problem goes away.

21 MADAM CHAIR: Well, I mean, obviously,  
22 maybe not so obviously, but to the Board obviously Mr.  
23 Curtis wanted to point to the wording in this document  
24 and have Mr. Ebbs agree or disagree that that reflects  
25 the thinking of Ontario foresters.



1                   Are you saying they can't refer in any  
2 way to anything in this document?

3                   MR. CASSIDY: Because it then throws open  
4 the validity of this document and the question -- it  
5 goes right back to my point; the way in which it was  
6 compiled.

7                   I am suggesting if Mr. Curtis wants to  
8 get around this problem, which I suggest is a very real  
9 problem, he can simply ask the question: In your  
10 opinion - and establish a factual basis for Mr. Ebbs  
11 making his opinion; that is, in terms of his experience  
12 in the Association or whatever - what do foresters  
13 think about so and so about the topic without reference  
14 to this document.

15                  MR. CURTIS: What I intend --

16                  MR. CASSIDY: That solves my problem, I  
17 think, in one respect.

18                  MR. CURTIS: What I intended to do, Madam  
19 Chair, was to have Mr. Brown read two short paragraphs  
20 and ask them about the relevance of those paragraphs to  
21 the concerns of the OPFA, and I would have asked him  
22 whether there were any major points in the summary of  
23 the survey that he felt were relevant to the positions  
24 of the OPFA and that would end it.

25                  My request would remain to allow it in

1 and to allow me to ask Mr. Brown those questions and to  
2 place whatever weight on the document you see fit in  
3 light of that.

4 ---Discussion off the record.

5 MADAM CHAIR: Mr. Curtis, we are going to  
6 do something a little bit usual in this case.

7 We see your party as being an intervenor,  
8 as you have said, in a sort of unusual...

9 MR. MARTEL: Friendly way.

10 MADAM CHAIR: You are friendly  
11 intervenors here and we think it is silly that this  
12 matter should be caught up in a procedural discussion,  
13 but at the same time we don't in any way underplay the  
14 importance of Mr. Cassidy's objections.

15 What I suggest is over the lunch hour,  
16 Mr. Curtis, you meet with Mr. Cassidy and Ms. Blastorah  
17 and Ms. Seaborn and sort out among the counsel here  
18 how you can handle this matter, what importance it is  
19 in what you want to say to the Board today.

20 These are experienced council and I think  
21 that they can assist you in sorting out how to get this  
22 kind of evidence before the Board.

23 So we can move on to the next subject.

24 MR. CASSIDY: That's a sensible idea,  
25 Madam Chair.

1 MR. CURTIS: I shall do so.

2 MADAM CHAIR: Thank you.

3 MR. CURTIS: Q. Mr. Brown, I would like  
4 you to briefly describe the roles of the professional  
5 foresters in the area of the undertaking?

6 MR. BROWN: A. I think it's probably  
7 known by most parties at this point that professional  
8 foresters work for both federal and provincial  
9 governments, they work for industry small and large,  
10 they teach, they do research and a number of them are  
11 in practise in private practice.

12 All of the timber management plans of  
13 course that are prepared in the Province of Ontario are  
14 done so under the supervision of a professional  
15 forester and they participate in the preparation in the  
16 planning teams, in the preparation of manuals and  
17 guidelines for forestry practices.

18 Q. Are there any instances where the  
19 involvement of an RPF is mandatory?

20 A. One place in the Crown Timber Act,  
21 and I think it is Section 26, which specifies the  
22 requirement for an RPF to be involved in the preparing  
23 of the management plan.

24 MR. CURTIS: I believe, Madam Chair, the  
25 act has already been introduced as an exhibit. We

1 simply provide this section for discussion purposes.

2 MADAM CHAIR: Thank you, Mr. Curtis.

3 MR. CURTIS: Q. Mr. Brown, I would point  
4 out to you how that section reads. It notes that:

5 "Every licensee shall when required by  
6 the Minister furnish within such a period  
7 as is fixed by the Minister a  
8 management plan."

9 And under 26(1)(b):

10 "Prepared under the supervision of a  
11 professional forester and certified by  
12 him in the following form...."

13 Could you please just read into the  
14 record that certification?

15 A. "I hereby certify that this plan has  
16 been prepared under my personal  
17 supervision and that all field work and  
18 calculations have been carried out to the  
19 best of my skill and judgment in  
20 accordance with the manual of management  
21 plan requirements."

22 Q. In terms of what Mr. Ebbs said  
23 earlier about -- according to this certification in the  
24 way that it reads, specifically under personal  
25 supervision, if there is a unit forester who is not an

1 RPF, what would MNR have to do in order to comply with  
2 this certification?

3 A. It would have to provide supervision  
4 of that individual by an RPF one way or the other.

5 Q. So an RPF would be brought in to  
6 supervise the development of the plan according to this  
7 certification?

8 A. Yes.

9 Q. Does the certification and the fact  
10 that it is done by an RPF signify anything else to a  
11 reader of the timber management plan?

12 A. Well, we think it implicitly conveys  
13 that the plan complies with standards of practice, that  
14 it's prepared by or under the supervision of someone  
15 with a particular standard of education and experience.  
16 So our view on that is that there is an implicit  
17 understanding of the meaning.

18 Q. And what if the plan were revised or  
19 amended following the certification, what impact would  
20 such amendments have on the original certification of  
21 the TMP?

22 A. Well, of course, amendments  
23 subsequent to its original preparation can have the  
24 result or could have the result of either making the  
25 original objectives unattainable. If those amendments



1 were made without declaration or indication that they  
2 have been made subsequent to the certification, then it  
3 could be misleading and someone could believe that the  
4 plan was certified, but may not aware that subsequent  
5 amendments have been made.

6 Q. And how would you suggest that that  
7 problem, that possible misleading aspect, how would  
8 that be rectified?

9 A. Fairly simply really. Amendments and  
10 revisions subsequent to the original certification  
11 should be reviewed and certified by the RPF to ensure  
12 that the integrity of the plan remains.

13 Q. What kind of process would the RPF go  
14 through in terms of analysing the amendment?

15 A. Well, it would be either a simple or  
16 a complex process depending on the nature of the  
17 amendment, I suppose, but it would be essentially to  
18 review any impact the amendment might have on the  
19 original objectives and the intent and the direction of  
20 the original plan.

21 Q. Where would the certification of the  
22 amendment appear in the plan?

23 A. Well, I've seen a process which is  
24 very simple. It is simply to include in the plan  
25 document an amendment form which details the amendment

1 and allows or provides a place for the forester to  
2 signify their agreement with the amendment.

3 Q. I would like to discuss with you  
4 now --

5 MADAM CHAIR: Excuse me, Mr. Curtis. It  
6 is not clear what amendment process we are talking  
7 about.

8 MR. BROWN: It is not uncommon after a  
9 plan has been certified, goes through the process that  
10 you are very familiar with, for something to come up  
11 which requires a change.

12 MADAM CHAIR: Yes, and we have the  
13 proposed minor and major amendment system.

14 MR. BROWN: Essentially that is what we  
15 are referring to.

16 MADAM CHAIR: Thank you. I thought you  
17 were talking about something in the five-year plan  
18 itself.

19 You are talking about subsequent to the  
20 approve of the plan?

21 MR. BROWN: That's right.

22 MADAM CHAIR: Your position is that those  
23 amendments should always be certified by an RPF holder?

24 MR. BROWN: Yes, to ensure that the  
25 forestry component is in tact.

1 MR. MARTEL: Who does it now?

2 MR. BROWN: Pardon me?

3 MR. MARTEL: Who does it now? If an  
4 amendment is made, who is responsible? It just occurs?

5 MR. BROWN: Quite frankly, one of the  
6 reasons for us bringing it up is that we feel it is at  
7 least somewhat unclear at the moment as to the  
8 requirement for dealing with such amendments and we  
9 believe that it is important to ensure that that there  
10 is a follow-through on that process.

11 MR. MARTEL: Is that even under the new  
12 plan you feel that, the new proposal before us, it's  
13 still unclear to you?

14 MR. BROWN: Yes.

15 MR. EBBS: Madam Chair, could I add to  
16 Mr. Brown's response to your question.

17 MADAM CHAIR: (nodding affirmatively)

18 MR. EBBS: We are talking about any time  
19 that there is a change after the RPF signs it. It is  
20 not just after the final approval of the plan, but any  
21 time after that individual signs it.

22 We are concerned that there not be any  
23 opportunity for alterations to that individual  
24 certification to be made without due recourse back to  
25 an RPF.

1                   MR. CURTIS: Q. Moving on, Mr. Brown, to  
2                   incorporating non-timber objectives into timber  
3                   management plans. Currently, are non-timber objectives  
4                   incorporated into the timber management plans?

5                   MR. BROWN: A. Certainly in my  
6                   experience -- my experience might be a little bit  
7                   unique, but in my experience the answer is yes, a  
8                   number of so-called non-timber objectives.

9                   Q. What is the role of RPFs or  
10                  professional foresters in developing these non-timber  
11                  objectives?

12                  A. Again, drawing from my own  
13                  experience, it is to work with the various other  
14                  specialists to determine how to intervene in the forest  
15                  and accomplish other objectives at the same time,  
16                  whether it be wildlife habitat or fisheries protection  
17                  or watershed protection.

18                  So it is as a team, a joint effort to  
19                  determine if you do this what happens over here and how  
20                  can we make the two happen together.

21                  Q. Can you provide us with an example,  
22                  for example, of a wildlife specialist or a wildlife  
23                  biologist working in conjunction with an RPF to achieve  
24                  certain objectives, how would that occur?

25                  A. I will draw an example again from my

1 own experience. Where a biologist desires a particular  
2 habitat and shelter for large mammals such as deer and  
3 moose, for example, we will alter cutting prescriptions  
4 to generate more browse and, at the same time, leave  
5 more cover.

6 So if the wildlife biologist can identify  
7 what his requirements are in terms of habitat and we  
8 can devise a cutting prescription that will provide  
9 some commercial material for the marketplace and also  
10 provide some wildlife habitat, we do that on a regular  
11 basis.

12 Q. Now, to what extent can a  
13 professional forester be held professionally  
14 accountable for the effects of timber management on  
15 these non-timber objectives when manipulating the  
16 forest cover?

17 A. I would like to give you a simple  
18 answer to that question. I think people are probably  
19 looking for a black or white answer.

20 It depends very much on the  
21 circumstances. If I work with a wildlife biologist,  
22 again I will use this example, and we agree that a  
23 certain course of action intervening in the forest will  
24 also achieve his or her objectives and I can proceed to  
25 deliver what we agreed on, then I am quite prepared to



1 be accountable for the delivery of that manipulation of  
2 the forest.

3 However, if his moose population goes  
4 down despite his successful intervention, I don't want  
5 to be held accountable for that.

6 Do you understand what I'm saying?

7 I will intervene in the forest and if I  
8 get what he's looking for, that's fine, but if events  
9 that neither one of us anticipated cause the moose  
10 population to decline, then that's a circumstance I  
11 don't want to be held accountable for.

12 MADAM CHAIR: What about Dr.  
13 Baskerville's testimony and one of his positions that  
14 he put before the Board was that a forester should be  
15 given the responsibility to do something like  
16 protecting wildlife or increasing wildlife populations  
17 and that responsibility should -- they should see that  
18 as being on the same footing as producing wood?

19 MR. BROWN: Yes, I don't have a problem  
20 with that and I guess there is a connection with a  
21 question Mr. Curtis asked earlier: Are non-timber --  
22 so-called non-timbr values integrated into the plans.

23 In my experience, yes. \*I can't say that  
24 in my experience I've had the responsibility or the  
25 accountability for increasing moose herds or fish

1 populations.

2 MADAM CHAIR: What you are saying in the  
3 event of something like a massive fire or blowdown or  
4 something beyond anyone's control, you wouldn't want to  
5 take professional responsibility for not achieving an  
6 objective?

7 MR. BROWN: Or a disease in the herd, for  
8 example, which is not my area of expertise.

9 So I'm afraid I have to say I'm prepared  
10 to take responsibility, absolutely, no doubt, but I  
11 need it to be very clear as to what I can reasonably be  
12 held accountable for and what I can't.

13 MR. CURTIS: Q. What if, for example,  
14 Mr. Brown, the wildlife biologist provided you with the  
15 information or the type of forest cover that was  
16 required -- what if that was an error? Do you feel  
17 that a professional forester can be held accountable  
18 for that?

19 MR. BROWN: A. I think it would be part  
20 of my responsibility for me to recognize -- if I was  
21 directly involved in the manipulation of the forest, I  
22 should be able to recognize something that's in error,  
23 I would think, if it had to do with manipulation of the  
24 forest.

25 Q. But if you provided, for example, the

1 forest cover that was requested based on principles of  
2 wildlife biology but that the information given to you  
3 was in error, even though your work was performed  
4 correctly and the forest cover requested was delivered,  
5 but it was the incorrect forest cover, do you feel that  
6 professional foresters can be held accountable for  
7 that?

8 A. I guess that is one of those areas  
9 where one has to be very careful. I guess my straight  
10 answer you is, I don't really think I want to be held  
11 accountable for that. If I delivered what I was  
12 expected to and it didn't work out because I was given,  
13 you know, poor information, I would want to be careful  
14 about that one.

15 Q. Conversely, if the information  
16 provided to you was correct, but the RPF erred in  
17 delivering was what requested, could they then be held  
18 accountable?

19 A. I think so.

20 Q. Thank you.

21 MADAM CHAIR: Excuse me. What do see you  
22 see as the meaning of accountability?

23 MR. BROWN: Take a clear responsibility,  
24 I guess, to regenerate the land after harvesting within  
25 a particular period of time given that adequate

1 resources have been provided, et cetera.

2 I think that's a clear one, and if I  
3 failed to deliver that end result, then I am prepared  
4 to be held accountable for that.

5 MADAM CHAIR: What would happen to a  
6 forester in that situation?

7 MR. BROWN: Well, I think what happens in  
8 most organizations if you fail to deliver is that you  
9 find yourself either out of a job or in another job.

10 MR. CURTIS: Q. Just to clarify the  
11 point, and this can be addressed to both Mr. Brown and  
12 Mr. Ebbs.

13 We have been using the terms  
14 accountability and responsibility this morning in a  
15 number of different circumstances. What specifically  
16 does your testimony refer to when we use the terms  
17 accountability and responsibility with regard to the  
18 role of the OPFA?

19 MR. BROWN: A. Well, with regard to the  
20 OPFA, we are referring to our professional  
21 responsibility, of course; to the profession first and  
22 foremost.

23 Q. Would that relate to the evidence  
24 given earlier with regard to professional standards?

25 A. Certainly.

1                   Q. And would the OPFA have any role in  
2 terms of accountability and responsibility within a  
3 particular employer's organization?

4                   A. I think one of the points we are  
5 trying to make or hopefully we will make before the day  
6 is out is that that line of accountability back to the  
7 profession is an additional tool or mechanism that can  
8 be used to ensure sound forestry practices out in the  
9 forest level. It is in addition to and beyond the  
10 employer and that's why it is useful and valuable I  
11 think.

12                  Q. How does what you referred to relate  
13 in terms of dealing with non-timber objectives?

14                  I guess what I am getting at is, how  
15 should those non-timber objectives be determined in the  
16 first instance?

17                  A. Well, I would put that determination  
18 in what I would call the land use planning exercise; in  
19 other words, I would start with a process that set out  
20 to determine what did the people of Ontario wish to  
21 have done with a particular tract of land.

22                  I would see that an excerpt in that  
23 process would be an appropriate forum to determine what  
24 the land uses were going to be. I think that's the  
25 appropriate place for it.



1 Q. Thank you. I would like to move into  
2 the area of professional discretion, Mr. Brown.

3 What is your view regarding the role of  
4 professional discretion in the practice of forestry?

5 A. Well, I firmly believe that it's  
6 absolutely necessary in order to ensure that practices  
7 evolve and the best practices are applied to particular  
8 circumstances.

9 We've got a tremendously variable set of  
10 circumstances in the forests of Ontario and, again in  
11 my experience, one needs to be very innovative and  
12 examine each situation on its own merit.

13 Q. Can you provide the Board with an  
14 example of variability of forests from your own  
15 experience?

16 A. In the Great Lakes/St. Lawrence  
17 forest area where I have worked for the last 17 years  
18 almost now, we recently acquired a forest ecosystem  
19 classification system for pine, white and red pine.

20 That document, which is a first effort, I  
21 expect it is going to be subject to many revisions,  
22 improvements, there are 14 different combinations of  
23 soils, sites, species present, et cetera, that are  
24 identified as a guide to foresters in planning forestry  
25 operations.

1                   So No. 14 seems relevant to me and that's  
2 sort of a least number that one has to learn to  
3 recognize and then learn to prescribe an appropriate  
4 approach to.

5                   Q. How many species combinations does  
6 that classification refer to?

7                   A. Well, this particular classification  
8 refers to pine, white and red pine, but of course  
9 that's the best of dominant species.

10                  I would say there is probably another 10  
11 or a dozen species associated with those main types  
12 and, of course, across Ontario we have similar forest  
13 ecosystem classification projects in place with  
14 equally, if not more, variations identified.

15                  Q. In paragraph 24 of your witness  
16 statement you referred to the term cookbook forestry.  
17 Could you briefly tell us what is you mean by cookbook  
18 forestry?

19                  A. Well, I can't claim to have coined  
20 the term, but I'm familiar with it. I guess what I  
21 would mean is a situation where, for example, a  
22 one-line prescription for managing pine in the Great  
23 Lakes/St. Lawrence Forest was the one and only  
24 prescriptions that was allowed to be used. I would  
25 call that a cookbook approach and I would find that

1 inappropriate and tell you very clearly that it isn't  
2 going to work.

3 Q. Why is that?

4 A. Because that one line prescription  
5 is -- it simply will not account for the 14 different  
6 combinations of circumstances that I will encounter on  
7 a day-to-day basis.

8 Q. In terms of cookbook forestry then,  
9 how would you suggest that approach to forestry be  
10 avoided?

11 A. I guess if I can try a little diagram  
12 it might help me to convey an idea.

13 I guess we are all familiar with  
14 guidelines and we're certainly not saying that we don't  
15 want or can't stand guidelines. We welcome them and we  
16 help to write most of them. d.

17 What we want to ensure is that we are  
18 talking about guidelines with parameters that start and  
19 stop somewhat what like that as opposed to guidelines  
20 that are like this because if we can work with  
21 something like this, then we have the professional  
22 discretion within reasonable bounds to make  
23 interpretations and make changes and innovate and use  
24 new technology as we go along.

25 When and if we find ourselves in a

1 situation which would substantially depart from this  
2 range, we find ourselves out here some place and we are  
3 quite prepared to deal with this as a new situation  
4 that would have to be -- we would have to seek approval  
5 on it in some way, shape or form before it was put into  
6 practice.

7 The problem with a situation like this  
8 where one has only a very narrow range of options  
9 available to them is that one will find themselves very  
10 regularly out here and you will spend all your time  
11 trying to rationalize and get approval for these which  
12 are very good practices and which will work quite well,  
13 but because the guide or the rule is so narrow one will  
14 spend all their time trying to get exceptions approved  
15 as opposed to managing the forest.

16 Q. Thank you. Moving on to a little  
17 more detail, the question of professional  
18 accountability and responsibility.

19 MADAM CHAIR: Excuse me, Mr. Curtis. We  
20 normally break for lunch at twelve. Is this a good  
21 time to pause before you get into a new area?

22 MR. CURTIS: This would likely be as good  
23 a time as any, Madam Chair.

24 MADAM CHAIR: How long did you expect to  
25 take in completing your examination?

1                   MR. CURTIS: I expect we have another --  
2 possibly an hour, depending on the questions from the  
3 Board, et cetera.

4                   MADAM CHAIR: All right.

5                   Mr. Cassidy, how long will you be in  
6 cross-examination?

7                   MR. CASSIDY: At this point I expect half  
8 an hour or less.

9                   MADAM CHAIR: Thank you.

10                  Ms. Seaborn?

11                  MS. SEABORN: About half an hour, Madam  
12 Chair.

13                  MADAM CHAIR: Ms. Blastorah?

14                  MS. BLASTORAH: No more than an hour,  
15 quite probably less.

16                  MADAM CHAIR: Then we will finish this  
17 afternoon.

18                  MR. CURTIS: It looks like we have a good  
19 chance of that.

20                  MADAM CHAIR: Thank you. We will break  
21 now.

22                  MS. SEABORN: Madam Chair, would the  
23 Board consider sitting past four if it appears we are  
24 close to finishing?

25                  MADAM CHAIR: Well, we will put it this



1 way --

2 MR. MARTEL: Why don't we try finishing.

3 MADAM CHAIR: We won't require the  
4 witnesses to return, but I expect that we will be  
5 finished by four.

6 MS. SEABORN: Thank you.

7 MADAM CHAIR: 1:30 then.

8 ---Luncheon recess at 12:00 p.m.

9 ---On resuming at 1:30 p.m.

10 MADAM CHAIR: Hello. Please be seated.

11 MR. CASSIDY: Madam Chair, Mr. Curtis and  
12 I have had the opportunity to discuss this matter over  
13 the break, as you suggested, and I believe we've  
14 reached an accommodation and; that is, that the  
15 document that was a discussion will not be entered as  
16 an exhibit and Mr. Curtis is going to approach the  
17 matter in another fashion which we've discussed, and so  
18 I now leave it to him.

19 I think we had assigned a number to that  
20 document--

21 MR. MARTEL: Yes.

22 MR. CASSIDY: --which is 1814. So in  
23 accordance with that, I guess we will assign that to  
24 whatever the next document is.

25 MADAM CHAIR: All right, thank you. And

1 this is agreeable to you, Mr. Curtis?

2 MR. CURTIS: Yes. In the interest of  
3 expediting the procedures and in the interest of  
4 maintaining the friendly atmosphere in the room, we do  
5 agree to the request by counsel for OFIA.

6 MR. MARTEL: Did you collect the papers,  
7 Mr. Cassidy?

8 MR. CASSIDY: Pardon me?

9 MR. MARTEL: I thought you might want  
10 them back so you can read them tonight.

11 MR. CASSIDY: I believe they're up there.  
12 I will get them later. Thank you.

13 MR. CURTIS: Q. Before we move on, Mr.  
14 Brown, I want to ask Mr. Ebbs, on the same subject of  
15 the opinions of professional foresters, I wonder if  
16 based on your understanding of professional foresters  
17 in Ontario, could you just give us your impression of  
18 the opinions of RPFs as expressed to you with regard to  
19 forestry as practised in the province and as it  
20 compares to the attitude of the employers of RPFs?

21 MR. EBBS: A. Certainly. In the past  
22 three years since I've become executive director of the  
23 association I've had the fortune to speak to a broad  
24 range of practising foresters in the province and they  
25 are ready, willing and able to express their opinions

1 and, as professionals, they really do believe that  
2 given the proper menu that they can express opinions  
3 independently of their employers.

4 In fact, if this hearing did allow a  
5 survey to be entered, I'm sure that the appropriate  
6 survey would show that foresters believe that  
7 definitely forest management practices are the most  
8 critical thing that affect the forest today.

9 And I think in their views generally,  
10 because of their knowledge, their intimate knowledge of  
11 what is going on, they perhaps don't view forest  
12 practices in quite the bad like that some members of  
13 the public would but, at the same time, if they were  
14 able to voice their opinion independently I think that  
15 they would express the view that it perhaps isn't quite  
16 as rosy as some of their employers might be saying in  
17 public.

18 At the same time, I think that from those  
19 that I've spoken to, I know that their principle  
20 concern would be, for example, funding, ongoing funding  
21 for forest management.

22 It's extremely frustrating I'm sure to  
23 put one's effort into creating a management plan and  
24 writing prescriptions and the outcome of which is  
25 dependent upon ongoing funding and not having it

1       happen; that they can prescribe, for example, that,  
2       yes, that it was within good forestry practice to  
3       harvest an area and that area is harvested and it's not  
4       regenerated because funds were not made available to  
5       the appropriate regeneration.

6                       Also, I'm sure that if a survey from the  
7       public were put before the Board it would likely  
8       indicate that the public thinks that foresters are very  
9       credible, for whatever reason, that professional  
10      foresters are regarded by the public, I believe, as  
11      being, on an individual basis or on the basis of the  
12      profession, a group that does understand what's going  
13      on and is trusted by the public.

14                    Q.   Thank you.  Moving on, Mr. Brown, to  
15      the topic of professional accountability and  
16      responsibility, I would like to ask you first with  
17      respect to accountability and responsibility of  
18      professional foresters, how does the role of the OPFA  
19      differ from that of employers of RPFs?

20                    MR. BROWN:  A.  It differs in that it is  
21      an additional mechanism to remind practitioners of  
22      responsibilities to the forest and the land, and  
23      through the association there is a process and there is  
24      a potential there for holding people accountable for  
25      things beyond which employers may or may not wish to

1 pursue. So it adds an element that we believe is  
2 important.

3 Q. And what will be the --

4 MR. MARTEL: How long is that whole idea  
5 of accountability or responsibility to the forest -- I  
6 think we probably were into this hearing two years  
7 before that sort of expression started to show up about  
8 having accountability to the forest as opposed to the  
9 state or opposed to an employer.

10 MR. BROWN: In my experience, it's been  
11 around for a long time, as long as I've had discussions  
12 with colleagues about matters like this.

13 It's true, absolutely, that only in the  
14 last several years has it been seen as an emerging  
15 important critical issue and I guess that is because of  
16 all of the things that have changed around us with  
17 respect to this, to forestry across the country and  
18 across the world.

19 I think that is what's brought it to the  
20 fore, but in terms of foresters, it's not a new  
21 discussion or a new debate.

22 MR. MARTEL: It's just that your jargon  
23 is getting beyond--

24 MR. BROWN: That's true.

25 MR. MARTEL: --the forester now?



1 MR. BROWN: That's true.

2 MR. CURTIS: Q. Now, assuming that the  
3 OPFA does hold RPFs accountable and responsible to high  
4 standards of practice, what in your view would be the  
5 impact on the practice of forestry?

6 MR. BROWN: A. Well, I can only see it  
7 as an improvement or, as I repeated a few times  
8 already, it's an additional mechanism or it is a  
9 mechanism, a very important link right to the forest  
10 level, to the practitioner and, to that extent,  
11 anything that adds and strengthens the accountability  
12 for activities in the forest is, in my view, positive.

13 Q. Are there any factors which may  
14 inhibit the OPFA holding RPFs accountable and  
15 responsible?

16 A. Yes. We've already mentioned a  
17 couple of them. Certainly the present nature of the  
18 organization does present some limitations on its  
19 ability to hold people accountable.

20 And the other things that would be  
21 limitations, again, would be the availability of  
22 resources to do the kind of job to the standard that  
23 the people of Ontario wish to have executed.

24 That is, I think, quite understandable,  
25 but given the tools and the resources, it's an

1 important aspect.

2 Q. Thank you. Mr. Ebbs, I would like  
3 you to discuss and expand a little bit on the  
4 significance of the signature and seal of an RPF when  
5 applied in a professional capacity?

6 MR. EBBS: A. We have spoken of the  
7 signature today, but we haven't mentioned the seal.

8 Speaking of the signature, whenever that  
9 is applied in a professional capacity in something  
10 relating to forestry, so far as the association is  
11 concerned it should represent that the individual  
12 believes that the document is good forestry practice.

13 Similarly the association, in a similar  
14 vein that is, the association has provided members with  
15 a seal, a rubber stamp with their name and membership  
16 registration number on it and that has been applied in  
17 various circumstances, but the intention of using that  
18 seal would be as an additional indication to anyone  
19 looking at the document that the person felt that that  
20 document represented good forestry practice.

21 Q. When you say good forestry practice,  
22 what do you mean by that?

23 A. To date at least good forestry  
24 practice means that in the opinion of the member it  
25 follows those conventions and those principles that

1 have been established by way of the training and their  
2 experience that they know by their experience will  
3 result in -- the anticipated result will come from the  
4 action that they're proposing.

5 Q. Is the term good forestry practice  
6 defined anywhere, to your knowledge?

7 A. No, it isn't, and I would suggest to  
8 the Board that perhaps good forestry practice, as such,  
9 would be a combination of the standards of practice and  
10 so on that we were talking about earlier and technical  
11 standards and so on, apply the general principles.

12 Q. Is there a relationship between  
13 technical guidelines and good forestry practices?

14 A. Well, very definitely. Good forestry  
15 practices, I think inherent in them would be the use of  
16 technical guidelines. They could be -- they could not  
17 be considered separately from standards of practice.

18 Q. Mr. Brown, do you recall in the  
19 testimony of Dr. Baskerville the terms adaptive and  
20 constraint management systems?

21 MR. BROWN: A. Yes, I do.

22 Q. What I would like to ask you is,  
23 following along from the discussion on good forestry  
24 practices, is it possible to have good forestry  
25 practices in both adaptive and constraint management

1 systems or, in fact, other approaches to managing  
2 forests?

3 A. I believe it is possible to have good  
4 forestry practices under either system.

5 Now, that doesn't say that I would  
6 prefer -- that I wouldn't prefer one over the other,  
7 but certainly I think it's understood that what has  
8 transpired in Ontario for a number of years, what is  
9 referred to by many people as constraint management,  
10 and I know of a lot of good forestry that has taken  
11 place under that approach.

12 So having said that, the adaptive  
13 management approach as described by Baskerville is a  
14 very attractive one to me as a forester and we would  
15 certainly like to see things move in that direction.

16 Q. Mr. Ebbs, back to the significance of  
17 the signature and seal of the OPFA. Has the OPFA taken  
18 any steps to clarify what the use of signature and seal  
19 may signify?

20 MR. EBBS: A. In the development of our  
21 standards of forestry practice the council is also  
22 considering the draft use -- sorry, the use of seal  
23 policy, recognizing that that is a flag to the public,  
24 to a reader of a document that it does represent  
25 something.

1                   As we develop the standards of practice  
2           we will also be developing for our members  
3           instructions, guidelines as well as to how and when  
4           that seal should be used.

5                   It would -- could be used to mean  
6           different things at different times, although the basic  
7           premise all the time would be that I, as a registered  
8           professional forester, believe to the best of my  
9           knowledge that this is good forestry practice.

10                   MADAM CHAIR: Is the Board to take it --  
11           so far whenever we've seen that seal that it has no  
12           different meaning than a signature that it has been  
13           certified by?

14                   MR. EBBS: So far as the association is  
15           concerned it doesn't have any difference. In the eyes  
16           of the individual, a member applying it, in talking to  
17           some of them I know that some of them feel personally  
18           that this is an additional, if you will, endorsement of  
19           the signature.

20                   MR. CURTIS: Q. Mr. Brown, getting back  
21           to the accountability and responsibility, what aspects  
22           of a timber management plan can an RPF be held  
23           accountable for?

24                   MR. BROWN: A. Well, certainly the  
25           portions that involve what we have termed the



1 manipulation of the forest, the manipulation of the  
2 forest cover. Clearly that falls within their  
3 responsibility, I would say.

4 MR. CURTIS: Now, this was addressed,  
5 Madam Chair, in an interrogatory response of the OPFA  
6 to Ministry of Natural Resources, Interrogatory No. 3.

7 Q. Is there anything in that, Mr. Brown,  
8 that you wish to add or summarize to the Board?

9 MR. BROWN: A. Well, I think it's a  
10 reasonably comprehensive list. There may be some  
11 things other people would add and I maybe wouldn't  
12 argue with them too much, but it's a fairly  
13 comprehensive list.

14 Those are really the essence of forestry  
15 practice, that is getting down to the nuts and bolts of  
16 the business. The link between the forester that  
17 belongs to the OPFA in the execution of those  
18 activities is, again, there's an additional line of  
19 responsibility or accountability back to one's  
20 profession as well as to one's employer in the  
21 execution of those tasks.

22 Q. And what is it that qualifies the RPF  
23 to be held accountable for these aspects?

24 A. Well, we've referred earlier to  
25 systems manager. These are elements of a system, a

1 system of intervention and regeneration of forests and  
2 the tending and care of forests, and that's what  
3 training and education of a forester is all about.

4 Q. In the terms and conditions of the  
5 OPFA, term and condition No. 5, as well as paragraph  
6 No. 29 of the statement of evidence, the OPFA has  
7 listed several activities which must be performed by or  
8 under the direct supervision of RPFs.

9 MR. CURTIS: Madam Chair, I have a hard  
10 copy of this which I can pass out for the convenience  
11 of the Board. It will not be necessary to put this in  
12 as an exhibit - (handed) - it simply is part of the  
13 statement of evidence. If anybody chooses to make  
14 notes on it for whatever reason, then they may.

15 Q. Mr. Brown, why are these particular  
16 activities specified?

17 MR. BROWN: A. Well, I would  
18 characterize the first three using the same term I used  
19 a minute ago as being the essence of forestry practice  
20 in the field.

21 The preparation of the -- and revision of  
22 silvicultural ground rules, that is the stuff and  
23 substance of forestry, planning and programming, as are  
24 the other two, 1, 2 and 3.

25 4, 5, 6, 7 and 8 I would characterize as

1 measuring the results and reviewing the progress, and  
2 we believe that involvement of professional foresters  
3 in those activities is necessary to ensure that the  
4 right yardsticks are used for the measurement, that  
5 good solid scientific information is used, and that the  
6 interpretation and the accuracy of the data that is  
7 used is relevant to that monitoring.

8 Q. What is the rationale for restricting  
9 these activities to RPFs?

10 A. Well, again, because we believe that  
11 their training and education makes them uniquely  
12 qualified to perform these particular functions.

13 Q. And is there any relationship between  
14 the contents of this list and the aspects of  
15 professional responsibility and accountability that we  
16 have been discussing?

17 A. Well, certainly. As we have repeated  
18 a couple of times now, while performing these tasks, in  
19 addition to responsibility to a particular employer,  
20 the individual has this responsibility to one's  
21 profession to conduct these kind of activities to  
22 particular standards.

23 Q. Thank you. I would like to move on  
24 and ask Mr. Ebbs about the role of the OPFA in forest  
25 policy development. Can you tell the Board what role

1 the organization itself plays in developing forest  
2 policy or otherwise?

3 MR. EBBS: A. Quite obviously to me, if  
4 the association feels one of its responsibilities is  
5 the activities of its members and if the association's  
6 responsibility is to ensure good forestry practice of  
7 its members, then the association does have some duty  
8 and responsibility to be involved in the policy  
9 development, procedure development, if you will, that  
10 will be affecting the practice of its members.

11 Very simply put, it would be very  
12 unfortunate, and I hope would never happen, that an  
13 employer would institute a policy which would direct  
14 its foresters to do something that was not good  
15 forestry practice.

16 The association in a sense then can  
17 provide a check, another outlet to be sure that  
18 whatever policies and procedures are put into place are  
19 good forestry practice.

20 Q. To what extent would this role of the  
21 OPFA impact on policies and procedures set down by  
22 employers?

23 A. I don't -- since hopefully the  
24 intention of the employers, as well as the association  
25 itself, is to ensure that the forestry practices

1 continue in some fashion or not, certainly the  
2 association wouldn't be in an adversarial role.

3 We would hope that the employers would  
4 work with the association; that is, representatives of  
5 the association, just to make sure in the formative  
6 stages of policies or procedures there is good forestry  
7 practice so far as the professional is concerned.

8 MADAM CHAIR: Excuse me, Mr. Ebbs. Is  
9 the experience of your association now that you get  
10 good cooperation from employers?

11 MR. EBBS: Quite generally I would say  
12 so, yes. Part and parcel of course in most forestry  
13 enterprises in this province is that there are RPFs  
14 involved in developing policy because quite typically  
15 government or industry, the employers would use their  
16 foresters for that expertise.

17 So we're not saying that there is a  
18 problem now, Madam Chair, we just want to raise the  
19 principle, that any future actions should continue to  
20 ensure that the association has the opportunity to be  
21 involved to the extent that they can ensure that it's  
22 done appropriately.

23 We would hope, obviously, that it would  
24 be a very cooperative effort, but begin early in the  
25 process.



1 MR. CURTIS: Q. In its term and  
2 condition No. 7 as well as paragraph 30 of the  
3 statement of evidence, Mr. Ebbs, the OPFA listed  
4 several examples into which it would like to have input  
5 in the policy development.

6 Can you tell us why these particular  
7 examples are suggested?

8 MR. EBBS: A. As Mr. Brown mentioned  
9 earlier in relation to paragraph 29, this is perhaps  
10 not all inclusive. On the surface of it it would  
11 appear that the association wants to be delving into  
12 everything that goes on in the forest. What it amounts  
13 to is that we feel that this is at least a start of a  
14 list of those things that can result in the  
15 manipulation of forest cover.

16 We don't intend that -- and notice these  
17 are capitalized by way of being management policies  
18 with a capital M and a capital P, these are just areas  
19 that we know from our experience result in the  
20 manipulation of the forest cover.

21 And the concern of the profession is that  
22 any manipulation that does take place should be good  
23 forestry practice.

24 The end result of some of the decisions,  
25 for example, in provincial parks management may not

1 have anything to do with good forestry practice and,  
2 therefore, the profession and the association would not  
3 be concerned with it.

4 Whenever manipulation of forest cover is  
5 involved which will affect the practice of registered  
6 professional foresters, then we believe that the  
7 professional association should have an opportunity to  
8 have input.

9 Q. You discuss that role in relation to  
10 forest policies. Does the OPFA intend to take a  
11 similar approach in terms of reviewing new technology  
12 that may come up from time to time that may be utilized  
13 in the practice of forestry?

14 A. Yes, the same principle would apply.  
15 It's not necessarily the new technology itself that  
16 concerns the practice of forestry, it's the way that  
17 it's applied.

18 So that from time to time, depending on  
19 circumstances, the association may very well have to  
20 look at the forestry being practised by its members as  
21 a result of new technology.

22 Q. Thank you. Moving on to the topic of  
23 public education, Mr. Brown, what role if any does  
24 public education have in the practice of forestry?

25 MR. BROWN: A. Well, it's extremely

1 important and I think all of those people who have had  
2 any interest and followed forestry matters over the  
3 last number of years understand that there's a great  
4 need for improvements on that front.

5 If I can, again, draw from personal  
6 experience, we have quite a steady stream of people  
7 come to visit us in the area where I work and many of  
8 them, if not most of them, arrive very skeptical about  
9 what you're doing out there, and I have conducted  
10 numerous individuals and groups through the forest and  
11 inevitably I find that whenever I'm able to spend an  
12 hour or half a day or day that the very elementary  
13 things that people learn change their view and their  
14 understanding of what forestry is all about.

15 Now, my problem of course is that I can't  
16 do that with the 2-million people that are in the  
17 immediate vicinity of this hall, so I and other  
18 foresters need a whole bunch of help to provide that  
19 information to the general public because I'm  
20 convinced, from my experience, that when there is an  
21 understanding of some of the basic elements - and I'm  
22 not talking about complicated, scientific information,  
23 I'm talking about very basic information - then we have  
24 a public that understands and dialogues much more  
25 intelligently and helps to find solutions in a positive

1 way.

2                   So I can't underestimate the importance  
3 of that, and I think most people today understand that  
4 our task in that area is not made easier by the fact  
5 that such a large proportion of our population is  
6 basically an urban population today and very few of  
7 current generations have much connection with the land  
8 or have had much connection with the land and,  
9 therefore, are starting quite a ways back in  
10 understanding even basic information about how forests  
11 function.

12                   What we generally get are gross  
13 oversimplifications of what the forest can or cannot do  
14 simply because that is the convenient way to deliver  
15 messages, I guess.

16                   So I could go forth on this one a lot  
17 longer, but I'll cut off at that point and simply say  
18 it's extremely important, it's job that we all have to  
19 do, people in the forestry profession have a particular  
20 responsibility and most of us work at it one way or the  
21 another, and we have got to do a heck of a lot more.

22                   Q. You indicated that the area of public  
23 education in forestry requires improvement. Do you  
24 have any specific suggestions to make public education  
25 more effective?



1                   A. It probably needs to be a program  
2                   that is handled by a group or an organization that is  
3                   seen as an independent third party or arm's length from  
4                   the major players in the government and the industry,  
5                   and I don't say that to indicate that industry and  
6                   government don't have a role to play, they obviously  
7                   do, but I would like to see a major thrust by an  
8                   organization such as -- just take one close at hand,  
9                   the Ontario Forestry Association in Ontario here, and  
10                  give them a mandate to work on public education in  
11                  forestry.

12                  I mean, it's important that the people  
13                  receiving the message view the messenger as being  
14                  credible and as having good information that they're  
15                  comfortable with. So if that is what it takes, then I  
16                  think that is what we should be looking at.

17                  Q. Just to clarify, you referred to the  
18                  Ontario Forestry Association. You don't mean the  
19                  Ontario Professional Foresters Association there, it's  
20                  a different organization?

21                  A. That's right.

22                  Q. Just by way of a last question, Madam  
23                  Chair, Mr. Martel, I would like to ask first, Mr.  
24                  Brown, are there any last thoughts that you wish to  
25                  leave with the Board?



1 A. My take-home message?

2 Q. If you have a take-home message.

3 A. I have two points that I would  
4 repeat, I guess. One is, maintain professional  
5 discretion and decision-making at the forest level by  
6 professional foresters and hold them accountable for  
7 their actions; and the second one would be, take  
8 advantage of the potential areas through this  
9 professional accountability notion to ensure the care  
10 of our forests.

11 Q. Mr. Ebbs, I would like to ask you the  
12 same question. Do you have any last thoughts you would  
13 wish to leave with the Board.

14 MR. EBBS: A. Thank you, Mr. Curtis.

15 Certainly I hope that up until this point  
16 at least we leave the impression that the profession is  
17 most anxious to serve the public interest in whatever  
18 fashion we can.

19 My experience certainly has been that the  
20 foresters who are out there are selfless in their  
21 dedication to the forest and what we as an association  
22 and as a profession are trying to do is to reinforce  
23 that.

24 My only observations over the last  
25 several years, some of it heightened by what has been

1       happening before the Board, makes it more and more  
2       obvious to me that if we do not get accountability into  
3       forest management, if we do not, as Mr. Brown just  
4       said, have the decision-making at the field level as  
5       much as possible and have those individual foresters  
6       accountable, then we will not be able to see advances  
7       in forest management in this province. To me that's  
8       the key to it.

9                   And certainly accountability to a third  
10       party such as a professional organization is also going  
11       to be extremely important in making sure that some of  
12       the decisions that are made at least are totally  
13       impartial, the public is served best by making sure  
14       that it's not totally up to the employer to decide how  
15       forestry should be practised.

16                   Thank you.

17                   MADAM CHAIR: Thank you. The Board has  
18       just a few quick questions, Mr. Ebbs.

19                   First of all, we wanted just to have some  
20       information about what your membership fee is, not that  
21       we are interested in your personal finances, but with  
22       respect to the sort of responsibility that is incumbent  
23       on a member, and do individuals pay those fees or are  
24       they paid by the employer?

25                   MR. EBBS: The membership fee for a

1 registered professional forester, full active member,  
2 is \$220. There is also a \$50 application.

3 MR. MARTEL: You are going to have  
4 problems when you start soaking it to them. I noticed  
5 that in the teaching profession, you know, as the  
6 benefits improved the teachers guarded their dollars  
7 more closely as opposed to giving it to their  
8 federation to do a better job.

9 So every time you come up for a raise,  
10 donnybrook.

11 MR. EBBS: We fully anticipate, Mr.  
12 Martel --

13 MR. MARTEL: I don't know if the lawyers  
14 do that, you know.

15 MR. EBBS: They are licensed, sir, they  
16 have to belong, they have no choice.

17 MR. MARTEL: Those teachers have to  
18 belong.

19 MR. EBBS: So far as the question, Madam  
20 Chair, as to who pays, I can only go on the basis of  
21 the cheques that we receive and some of the requests  
22 from people who lose invoices -- lose receipts.

23 There are some companies which do pay as  
24 a matter of course for their employees. The Ministry  
25 of Natural Resources, to my knowledge, does not pay so

1       it's up to the individual.

2                   The association does not pay my fee, I  
3       pay it myself. My opinion would be that there would be  
4       quite a small number would have their employers pay it.

5                   MADAM CHAIR: Mr. Brown?

6                   MR. BROWN: If I can add to that, I would  
7       reiterate your assessment that it would be a very small  
8       number that were paid by employers. The vast majority,  
9       and I'm talking now 75 to 85 per cent, my opinion,  
10      would be paid by individuals.

11                  MADAM CHAIR: Thank you. And the second  
12      question is: Can you give the Board some appreciation  
13      of how this hearing has been perceived by your  
14      membership, and you don't have to paint a pretty  
15      picture of it.

16                  Do professional foresters see this sort  
17      of a process as being divisive or frustrating or a  
18      waste of time, or how is this sort of process perceived  
19      by your members?

20                  MR. EBBS: My impression is that they  
21      have looked at it good and bad. Initially I think most  
22      of us thought here's the first opportunity for the  
23      public to really begin to understand what is going on  
24      in the forest. Obviously as the time dragged on and  
25      the public's interest waned, that ideal perhaps was

1 lost.

2 Nonetheless, I have seen through the  
3 members who have been working very, very actively on  
4 the hearings - and obviously it's not just those who  
5 have appeared before you, there are many, many behind  
6 the scenes - I think that they too have learned from  
7 the experience and the hard questions that have been  
8 put to them and they've had to answer and some of the  
9 introspective thought processes that they've had to go  
10 through.

11 In terms of utility of the nature of the  
12 hearing and the forum in which it's presented, it would  
13 be difficult for me to comment on that because I  
14 haven't really discussed it with them. I'm so highly  
15 involved with the process and haven't had yet an  
16 opportunity to second guess really how else it might  
17 have been done, but I think there have been definite  
18 benefits.

19 One of the disadvantages certainly that  
20 has been voiced to me is the tremendous amount of time  
21 and money that has been taken away from forest  
22 management, and foresters would not have gotten into  
23 the profession if they didn't want to manage the forest  
24 and, by nature for the most part, they resent any time  
25 or any resources that are taken away from them.



1                   We can only hope that, and we presume as  
2           a matter of fact, that the end result will leap over  
3           what we might have lost by having these very talented  
4           foresters out of managing the forests over the last few  
5           years.

6                   MADAM CHAIR: Thank you, Mr. Ebbs.

7                   MR. BROWN: I would just add one item  
8           that maybe you don't want to hear, and that is that it  
9           has created an adversarial relationship between various  
10          members of the forestry community that didn't  
11          necessarily exist, at least to the extent that it may  
12          today.

13                   And, in another capacity, I had the  
14          opportunity to travel across Canada to different  
15          provinces over the last couple of years and my  
16          perception is that the working relationship between the  
17          various elements in the forestry community is not as  
18          positive in Ontario today as I see in other provinces  
19          of this country, and I'll cite Alberta and I'll cite  
20          the Province of Quebec as having, in my view, a much  
21          more positive working relationship between the various  
22          elements of the forestry community.

23                   I don't propose to lay at the feet of  
24          this hearing that problem, but I do know that it is an  
25          adversarial type process to an extent and my

1 observation is that it may have, it may have  
2 contributed a little bit at least to that less than  
3 positive relationship that exists some days.

4 MR. MARTEL: Was it boiling there though,  
5 Mr. Brown?

6 MR. BROWN: Pardon me?

7 MR. MARTEL: Has it been boiling and  
8 gurgling there for the past seven, eight, 10 years and  
9 hadn't really come to a boil yet really.

10 MR. BROWN: I just said, I certainly  
11 don't lay at the feet of this --

12 MR. MARTEL: No, no, I'm not saying -- I  
13 mean, you say there is--

14 MR. BROWN: I know that --

15 MR. MARTEL: --more unrest here let's say  
16 than other jurisdictions. I'm saying, was there -- is  
17 it boiling there too? I mean, this was coming.

18 MR. BROWN: Yeah.

19 MR. MARTEL: People were demanding change  
20 and probably more actively here than one might see, but  
21 if one were to look at B.C., that pots going to boil  
22 over, I would think, very shortly.

23 MR. BROWN: I didn't cite B.C. as one of  
24 my examples.

25 MR. MARTEL: Oh, I know you didn't. I

1 didn't want to name Alberta, but I tell you, the same  
2 will come I suspect but a little slower, but when  
3 Alberta goes, as it has done politically over the  
4 years, it will go all out, it will be just total war  
5 maybe because they do things in a big way out there.

6 I mean, they just eliminate parties,  
7 period, and so on. When they go, they go first class.

8 But I just suggest maybe it's been  
9 gurgling here a little longer and there it's boiling  
10 but --

11 MR. BROWN: There are a number of factors  
12 obviously. I have known the day some years back when  
13 there was a much more positive working relationship  
14 between the elements, various elements than there is  
15 today.

16 I don't deny that there has been some  
17 cause for things to bubble and boil a little bit prior  
18 to your getting underway, all I'm suggesting is it may  
19 have added a little bit.

20 MR. CURTIS: Those are my questions in  
21 direct, Madam Chair.

22 MADAM CHAIR: Thank you very much, Mr.  
23 Curtis.

24 Mr. Cassidy, would you like to begin  
25 cross-examination?

1                   MR. CASSIDY: Certainly. Before I do,  
2                   however, it might be worthwhile having that diagram of  
3                   Mr. Brown's handiwork made as an exhibit since it was  
4                   referred to and I may ask a question on it. So I have  
5                   a interest in it being made an exhibit.

6                   MR. MARTEL: It's just two straight  
7                   lines.

8                   MS. BLASTORAH: It's at least up to the  
9                   standards of some already entered.

10                  MADAM CHAIR: Why don't you describe it  
11                  for us, Mr. Cassidy.

12                  MR. CASSIDY: Well, I was going to  
13                  describe it as Mr. Brown's view of the world,  
14                  consistent with what Dr. Bendell did with his exhibit.

15                  So if I can suggest that that be made  
16                  Exhibit 1814. (sic)

17                  MR. CASSIDY: Yes. It might be  
18                  appropriate to call it view of the guidelines. I was  
19                  somewhat tongue and cheek when I said view of the  
20                  world, view of the guidelines. Is that fair to call it  
21                  that, Mr. Brown?

22                  MR. BROWN: That's fair.

23                  MR. CURTIS: Well, it relates to the  
24                  discussion on professional discretion in relation to  
25                  guidelines.

1       ---EXHIBIT NO. 1815: View of guidelines and related  
2                                   discussion re professional  
                                  discretion of Mr. Brown (OPFA).

3                   MR. CASSIDY: Right.

4       CROSS-EXAMINATION BY MR. CASSIDY:

5                   Q. And in respect of now Exhibit 1814,  
6       you indicated that the long horizontal line encompasses  
7       on that diagram your view as to the level of discretion  
8       which you would like to see versus the small line on  
9       that exhibit which you, I take it, suggested may cause  
10      some problems with the flexibility and discretion of  
11      forester needs.

12                  Is that a fair summary of what you've  
13      stated?

14                 MR. BROWN: A. Yes.

15                 Q. Can you tell me the guidelines that  
16      you have knowledge of and that are in existence at the  
17      moment, would you say are you happy with those  
18      guidelines, would they fit within that longer  
19      horizontal line as opposed to the shorter one?

20                 A. First of all, let me say that the  
21      guidelines that I work with and ones that I'm familiar  
22      with are of quite recent vintage.

23                 Q. Fair enough.

24                 A. Okay. So when you ask me that  
25      question today you'll get a different answer than you



1 would have gotten had you asked me the same question  
2 five years ago.

3 The answer to the question is I'm  
4 reasonably satisfied with the guidelines that I work  
5 with, at least provided that they are kept up to date  
6 with changing technology and changing information as we  
7 evolve and move along in this business.

8 Q. And just for the benefit of the  
9 Board, can you indicate what guidelines you are  
10 referring to?

11 A. Well, the ones that I work directly  
12 with relate to the management of tolerant hardwood  
13 forests in the Great Lakes/St. Lawrence. I'm referring  
14 to guidelines relative to the construction of access  
15 roads and water crossings. Those are two that come to  
16 mind immediately. If you want a more exhaustive list,  
17 I'd have to --

18 Q. No, that's fine.

19 A. Okay.

20 Q. Now, I want to turn to I believe  
21 paragraph 29 of your witness statement which lists the  
22 various activities which you believe require an RPF and  
23 you put an overhead up on this. I believe this is at  
24 page 25 of the witness statement, Exhibit 1804.

25 Thank you, Mr. Curtis.

1 I am interested in Item 29.3, Mr. Brown,  
2 and the activity states there that:

3 "RPFs should be -- this activity  
4 should be performed or directly  
5 supervised by RPFs, and that is the  
6 implementation of forest practices which  
7 vary in any way from approved plans or  
8 descriptions."

9 And I'm interested in the words 'which  
10 vary in any way' which appear to me as a layman to be  
11 extremely broad words.

12 Would you agree with me that that is a  
13 very broad statement and was there a rationale for  
14 sweeping in what could be, on the face of it, a whole  
15 range of changes?

16 A. I would agree with you and I would  
17 say that in retrospect that may not have been the best  
18 wording. We have already made the point that too  
19 restrictive a rulebook is a bit difficult to work with.  
20 I would say that more appropriate wording might have  
21 been less restrictive.

22 Q. If I were to suggest to you - and I  
23 don't want to put words in your mouth so think very  
24 carefully about this - that it would be appropriate to  
25 use words such as implementation of forest practices

1       which depart in material respects from approved plans  
2       or prescriptions. Could you live with that type of  
3       language?

4                   A. I would want to reflect on the  
5       precise wording, but we could probably do a deal around  
6       that notion.

7                   Q. All right. If I can then move on,  
8       Mr. Brown, you indicated in your evidence that -- Mr.  
9       Curtis asked you how should non-timber objectives be  
10      determined, and you used the words, in the land use  
11      planning exercise -- something to the effect that it's  
12      in the land use planning exercise that people have to  
13      decide what they want to use the land for.

14                   I am a little confused on that because do  
15      you mean in the timber management planning process, is  
16      that land planning exercise done, or is that a  
17      different process or form separate and apart from what  
18      we've been calling the timber management planning  
19      process in this hearing?

20                   A. Well, in my experience it's a  
21      separate exercise and and let me cite to you the  
22      specific example that I have in my head when I talk  
23      about this matter.

24                   I'm talking about Algonquin Park where  
25      I've worked now for 16 or 17 years and the history

1       there is that in 1974-75 era - I won't go into the long  
2       preamble leading up to it - but, nevertheless, there  
3       were some problems, there were some things that needed  
4       to be sorted out and there was a document created  
5       called the master plan.

6                 Now, the master plan, again, in my view I  
7       call that first and foremost it was a land use planning  
8       decision package, it decided a number of basic  
9       fundamental things.

10                For example, relative to my particular  
11       interest, it decided that after hearing many, many  
12       citizens of Ontario it decided that there was going to  
13       be a continuation of some level of forestry in  
14       Algonquin Park and it took the map and it drew some  
15       lines on that map and it said: We will do this over  
16       here, and we will do that over there, and here we will  
17       do several things altogether.

18                So it set the scene for foresters,  
19       biologists, recreationalists, all the other specialists  
20       to come in and say: Okay. Now, we know what we have  
21       to work with, we know what they want us to do and we  
22       could set to work and then do a forest management plan  
23       for the tract of land that had been identified in that  
24       exercise that I call a land use planning exercise;  
25       knowing what we had to work with, what the rules of the

1 game were, what the objectives were, what the  
2 conditions were, and then we could set to work to  
3 deliver the package that the people wanted delivered.

4 So that that is the distinction that I  
5 make, and it's my opinion that some of the most  
6 intractable problems that we've encountered in Ontario  
7 over the several years, and we're still having them,  
8 are related to the fact that we're trying to do forest  
9 management planning or timber management planning on  
10 tracts of land where we haven't yet made up our mind  
11 consciously what land use we want to apply, or we've  
12 made a decision but the decision hasn't been accepted  
13 for one reason or another, so we continue to try to do  
14 timber management planning, of course, management  
15 planning, but all the while the wrangle goes on about  
16 whether or not we should be doing anything.

17 So my very simple mind I say, you've got  
18 to do one before you proceed to the other.

19 Q. So if you were in a situation where  
20 you had in some fashion a land use planning exercise  
21 which made a decision that a particular area was going  
22 to be dedicated, devoted or the primary use was going  
23 to be, let's say, forestry, and then the timber  
24 management planning exercise proceeded on that basis  
25 only to have a person come in and suggest that 10



1 townships should be taken out of that exercise and  
2 devoted to something else such as tourism, would your  
3 response be to that person who asked for that, that was  
4 the decision which has already been made in the land  
5 use planning exercise and it's not properly dealt with  
6 in the timber management planning.

7 A. That certainly would be my response,  
8 because I see it as more fundamental, very fundamental  
9 exercise, and it goes to the root of what do the people  
10 of Ontario want to do with the land.

11 MR. MARTEL: Are you suggesting to us  
12 that we should divvy up where the actual forestry will  
13 be carried on and decide where other activities will be  
14 carried on, and then maybe move to a type of intensive  
15 forest management to maintain the development of trees  
16 in a specific area and not trying to integrate it all  
17 with -- trying to get an outdoor post situated with a  
18 fringe of trees around it, for example?

19 MR. BROWN: No, I'm not suggesting that,  
20 I'm suggesting we have a broad range of options that we  
21 can utilize here.

22 We can, in some circumstances, decide  
23 single use is the most appropriate way to go, we can  
24 decide in other circumstances that multiple use is the  
25 best way to go. There's no pat formula that's

1 applicable everywhere.

2 MR. MARTEL: No, but you're saying we  
3 should decide where this should occur.

4 MR. BROWN: Yes.

5 MR. MARTEL: The activities occur, and I  
6 guess I just took it a step further which would, if you  
7 followed that to its logical conclusion you would  
8 reduce maybe -- not reduce, but you would map out for a  
9 long time where forestry would be carried on and then  
10 the other areas would be -- I think it's something like  
11 what Marek told us, that you know, you really are or  
12 should be looking at where you're going to do what  
13 ahead of time.

14 MR. BROWN: What is your forestry land  
15 base and what are you prepared to go with long term,  
16 because this is long-term resource, we can't fiddle  
17 with this every five or 10 years.

18 MR. MARTEL: And that's why I said, the  
19 intensive forest management might be the call of the  
20 day if you're going to decide what area you're going to  
21 do forestry in, you might have to do more intensive  
22 management there--

23 MR. BROWN: Certainly.

24 MR. MARTEL: --than other places.

25 MR. BROWN: That is one of the options

1       that is applicable, certainly, in locations.

2                   MR. CASSIDY:  Q.  Mr. Brown, are you  
3       necessarily driven to that step though?  Even though it  
4       might appear as a logical consequence, does it  
5       necessarily have to go that far?

6                   MR. BROWN:  A.  How far?

7                   Q.  To the point where you're divvying up  
8       the province in a rather rigid fashion as suggested by  
9       Mr. Martel.  I mean no disrespect, Mr. Martel.  I want  
10      to know, in his view, if you necessarily have to go  
11      that far?

12                  A.  No, I don't visualize in my mind  
13      Ontario with a whole bunch of blocks on it, each with a  
14      label saying this is what we do here and here.

15                  And again, I'll cite as an example  
16      Algonquin Park where we've got, you know, a million  
17      hectares of land and we've got as many uses going on  
18      there as you can list, and one melds into the other and  
19      it's very a complex package.

20                  That's what I think we may have in  
21      Ontario ultimately.  Some parts of Ontario you don't  
22      require the degree of complexity that we have in  
23      Algonquin, it can be much more simple and  
24      straightforward.

25                  But, no, I don't visualize a whole bunch

1 of hard lines around little squares and blocks. It's a  
2 very -- it's a complex one, but it can be done, but it  
3 may require some commitment to the future. It's not  
4 something -- one of the things that drives foresters  
5 crazy is to have a land base they're supposed to be  
6 responsible for moving under their feet all the time.

7 MR. MARTEL: Yes but, Mr. Brown, on one  
8 hand you're saying that you're going to designate it  
9 and you say we shouldn't change it every five to 10  
10 years, and I want to know how you do that then without  
11 slicing the province up.

12 I mean, if you can't move around, if you  
13 have to decide where you're going to or where you want  
14 to do, in the best interest of economy of the province,  
15 jobs, all of the things related to it, and you can't  
16 move it around, then you're essentially saying to me  
17 though, I think, that you have to divvy it up some way.  
18 You're going to divide this pie somehow, what are you  
19 going to do, divide it for 20 years, 30 years, you  
20 know, 50 years?

21 MR. BROWN: I would start at the forest  
22 management unit level as a logical planning --

23 MR. MARTEL: --and work up.

24 MR. BROWN: And work from there.

25 MR. MARTEL: Okay. But at that point



1 where do you go? I mean, you take a forest management  
2 unit level and just say: Okay, we're doing forestry  
3 here. I mean, we're going to do harvesting here. You  
4 see, where I can't get my head around it is how you  
5 say: Well, we'll start the forest management, we've  
6 got those all over the province and after you've done  
7 with that forest management unit, where do you go next?

8 MR. BROWN: Well, you --

9 MR. MARTEL: Do you do it so that over  
10 the forest management unit takes 80 years or 70 years,  
11 a rotation, you come back and start all over again?

12 MR. BROWN: That's right.

13 MR. MARTEL: But then that covers almost  
14 a total amount of the province. I think that's why Mr.  
15 Cassidy got into the fray here a few minutes ago,  
16 because then you're not really divvying it up, you're  
17 going to be shifting the stuff around.

18 This isn't like what Marek was suggesting  
19 at all. Maybe I was confusing what you were thinking,  
20 but you're not talking about moving, you're thinking  
21 about a moving target all the time because you're going  
22 to cover primarily the areas which -- everything except  
23 what's been set aside as a reserve for some reason or  
24 other, whether it's a park reserve, whether it's an  
25 AOC, whether it's -- I mean, you're still going to be



1 moving around.

2 MR. BROWN: If I could back up here a  
3 minute. What I'm trying to draw a distinction between  
4 is making land use decisions before the fact or after  
5 the fact.

6 What I think I see happening in Ontario  
7 is we have timber management planning exercise going on  
8 on tracts of land where the fundamental decision as to  
9 whether we're going to do any timber management at all  
10 is still in question, and that just doesn't seem to  
11 make a lot of sense to me. So I say, make up our  
12 minds, okay, make up our minds.

13 MR. MARTEL: So you've essentially  
14 divvied the province up. You might not have put it in  
15 square little blocks, but if you're going to decide  
16 where those activities are going to go on, you in fact  
17 have made a fundamental decision: Here and here and  
18 here we are going to do forestry.

19 MR. BROWN: Yeah.

20 MR. MARTEL: Forest activities, forest  
21 related activities.

22 MR. BROWN: Forest related activities.

23 MR. MARTEL: What about the integration  
24 of those, so then do you put those on top or do you  
25 keep them distinct?

1                   MR. BROWN: Well, I think when you're  
2 making your land use decisions that's the point at  
3 which you can make those decisions: Do we want to have  
4 straight productive intensive forestry here and not  
5 worry about or not bother with any of the other issues,  
6 or do we want an integrated package here, okay.

7                   And in a particular location next to  
8 Thunder Bay you will opt for a different combination of  
9 deliverables that you want then you will maybe for  
10 another area more remote in Ontario.

11                  MR. MARTEL: I suggest MNR would tell you  
12 they're doing that now.

13                  MR. BROWN: I'd take issue with them  
14 although on the issue of whether or not the basic land  
15 use decisions are always made ahead of time.

16                  MR. CASSIDY: Well, if I can come back to  
17 my question --

18                  MR. MARTEL: Go ahead.

19                  MR. CASSIDY: The scenario I put presumed  
20 that a decision had been made not necessarily devoted  
21 to single use, but to give presence or priority, and I  
22 was simply positing a hypothetical - which I'm going to  
23 probably submit later you've already heard evidence of,  
24 but that's for argument - and I just wanted his opinion  
25 on it as to how he would have dealt with that

1 situation.

2 So you're free to ask, obviously, your  
3 questions.

4 MR. MARTEL: No, it's clarified. I mean,  
5 my initial understanding of what Mr. Brown was saying  
6 that you divvied it up somewhat more arbitrarily and  
7 then worked at it very hard to keep it there, and I  
8 just wanted to get that clarified, that it wasn't that  
9 position.

10 MR. CASSIDY: Q. If I can turn to you,  
11 Mr. Ebbs, just briefly. You were talking about the  
12 development of national codes of practice which would I  
13 guess be applied nationally or adhered to nationally by  
14 all of the existing associations, which is five in  
15 number; right?

16 MR. EBBS: A. There are five, yes.

17 Q. And the concept is that all five  
18 associations would subscribe to this national code in  
19 some fashion once it's adopted or developed?

20 A. All the five associations have agreed  
21 to so far is that we will work together to develop a  
22 national code. It's application really remains to be  
23 seen.

24 It could be, as I mentioned earlier, that  
25 there would be general principles, if you will, that

1 would be adopted nationally with individual  
2 associations having more detail in them for their own  
3 local problems.

4 Q. All right.

5 MADAM CHAIR: Excuse me, Mr. Cassidy. On  
6 that point, I don't believe we made as an exhibit the  
7 news release by the CFPFA.

8 MR. CURTIS: No, we did not make it as a  
9 separate exhibit, although it is appended to our  
10 statement of evidence -- or, no, I'm sorry, it's  
11 appended to our interrogatory responses, that's  
12 correct.

13 MADAM CHAIR: Not the ones that -- maybe  
14 there's some confusion, not the copy that I have,  
15 they're appended to another set. I just wanted to  
16 know, is this to be appended to the interrogatory  
17 package?

18 MR. EBBS: Yes.

19 MADAM CHAIR: All right. Thank you.

20 MR. CURTIS: Well, that's perhaps an  
21 oversight.

22 MR. EBBS: The responses.

23 MR. CURTIS: Yes. I have a copy here  
24 that is also without the -- that might be an error on  
25 our part, Madam Chair.

1 MADAM CHAIR: Why don't we just make this  
2 a separate exhibit number?

3 MS. BLASTORAH: Why not B to the exhibit  
4 number of the interrogatory answers.

5 MADAM CHAIR: All right, that is just  
6 fine. Is that all right with you, Mr. Curtis?

7 MR. CURTIS: Yes.

8 MADAM CHAIR: This will be a one-page  
9 news release issued by the Canadian Federation of  
10 Professional Foresters Associations and the date on  
11 that was April the 11th.

12 MR. CURTIS: April 9th.

13 MR. EBBS: 9th.

14 MADAM CHAIR: April 9th, 1991.

15 MR. CURTIS: 1991.

16 MADAM CHAIR: Will be Exhibit 1809B, and  
17 Exhibit 1809A will be your interrogatories.

18 ---EXHIBIT NO. 1809B: One-page news release issued by  
19 Canadian Federation of  
20 Professional Foresters  
Associations dated April 9, 1991.

21 MR. CASSIDY: Q. Mr. Ebbs, you would  
22 agree that each of the provinces has control over  
23 forestry in terms of the provinces and not the federal  
24 government are responsible for the management of Crown  
25 lands in their area, save and except for federal Crown



1 lands?

2 MR. EBBS: A. To my knowledge yes.

3 Q. And to that, you would also agree  
4 that the extent of federal Crown lands in Canada is  
5 much smaller by huge orders of magnitude than the Crown  
6 lands that exist in each province?

7 A. It's a long time since my schooling,  
8 sir, but that is my recollection, yes.

9 Q. Therefore, is it fair to say that  
10 there is no national governing body, government body  
11 that regulates the forests in Canada, the large  
12 majority of the forests in Canada?

13 A. I would agree, yes.

14 Q. I'm wondering then what the impetus  
15 is for a federal national code in light of the fact  
16 that the Crown lands are managed provincially?

17 A. Excuse me, Mr. Cassidy, do you mean  
18 the national association or do you mean the federal  
19 government as personified by the Department of  
20 Forestry?

21 Q. The federal government, and perhaps I  
22 didn't put the question well enough. I am wondering  
23 why there is a move to develop a national code of  
24 standards when the forests of Canada are, for the most  
25 part, managed provincially?

1                   A. From the discussions that I had with  
2 Mr. Bird and my reading of what the federal government  
3 sees as being the mandate or should be the mandate of  
4 the Department of forestry, they see a need to assist  
5 the provinces in any way that they can by way of  
6 providing advice and assistance.

7                   Certainly it also can be tied into the  
8 provision of federal funds we used to have in this  
9 province. I think some other provinces do have  
10 federal/provincial agreements relating to some forestry  
11 activities and there they have, as I understand it,  
12 understood a need for certain standards to be  
13 exercised, one of which may or may not be professional  
14 standards.

15                  But certainly not only in forestry, but  
16 in other areas that I'm aware of the federal government  
17 has provided a coordinating role and an assistive role  
18 to provincial governments and provincial organizations.

19                  Q. And is that the reason why the  
20 associations, the five-member associations are moving  
21 towards developing national codes?

22                  A. As I explained earlier, we see the  
23 benefit of cooperating amongst each other and sharing  
24 our mutual knowledge and experience in developing these  
25 things.

1                   Some of the provinces, the Province of  
2                   British Columbia has had a code of forestry ethic in  
3                   place for some time. As I mentioned, Quebec is  
4                   beginning to draft one. The rest of us are trying to  
5                   catch up. By cooperating we believe we can get there  
6                   sooner with a better product.

7                   Q. And, Mr. Brown, would it be in the  
8                   public interest, in your view, to require all  
9                   practising foresters to be registered so that standards  
10                  and ethics would apply across the entire breadth of the  
11                  practising foresters?

12                  MR. BROWN: A. The short answer is yes.  
13                  I have been involved with the Ontario Professional  
14                  Foresters Association for a number of years as  
15                  counsellor and in several other capacities, I've had a  
16                  lot of debates and late nights talking with my  
17                  colleagues talking about the merits and otherwise.

18                  On balance, in my opinion, it would be to  
19                  the benefit of the forests of Ontario for that to be  
20                  so.

21                  Q. And when you say the forests of  
22                  Ontario, you include the public, the people of Ontario?

23                  A. Absolutely.

24                  MR. CASSIDY: I'm not sure what time you  
25                  intend to take a break, Madam Chair.

1 MADAM CHAIR: Are you almost done?

2 MR. CASSIDY: I'm almost done.

3 MADAM CHAIR: Why don't we wait until  
4 you're finished and then we will have a break.

5 MR. CASSIDY: I maybe done right now, if  
6 I may just have a minute.

7 MR. CASSIDY: No, I have no further  
8 questions, Madam Chair. Thank you very much.

9 MADAM CHAIR: Thank you, Mr. Cassidy.

10 Ms. Seaborn, you will be how long?

11 MS. SEABORN: About half an hour, Madam  
12 Chair.

13 MADAM CHAIR: All right. We'll take our  
14 break now.

15 And, Ms. Blastorah, do you have --

16 MS. BLASTORAH: Depending on what else  
17 may arise out of any of the answers during Ms.  
18 Seaborn's cross-examination, I would expect perhaps 20  
19 minutes.

20 MADAM CHAIR: Okay. Good.

21 Thank you. We will take our 20-minute  
22 break now.

23 ---Recess at 2:45 p.m.

24 ---On resuming at 3:10 p.m.

25 MADAM CHAIR: Please be seated.

1 MS. SEABORN: Thank you, Madam Chair, Mr.  
2 Martel.

3 CROSS-EXAMINATION BY MS. SEABORN:

4 Q. Mr. Ebbs, I would like to begin by  
5 looking at Exhibit 1810 which is the forestry  
6 standards chart that you filed this morning.

7 And I understand from reviewing your  
8 direct testimony and reviewing this chart that at the  
9 moment you haven't placed your professional ethics, you  
10 have professional standards of conduct and, as well,  
11 you rely on technical standards; is that correct?

12 MR. EBBS: A. Sorry, Ms. Seaborn, I lost  
13 you as you wandered around. The OPFA has a code of  
14 ethics at the present time which, if placed on this  
15 chart, would be the traditional ethics in the lower  
16 lefthand corner, in brackets says code of conduct, and  
17 then you asked...?

18 Q. Yes. In terms of the chart, we have  
19 technical standards in place that, as you point out,  
20 are applicable to the land. There are professional  
21 standards that you described in your evidence are  
22 applicable to the RPFs, and then there's a code of  
23 ethics for the OPFA.

24 And what you have not yet developed are  
25 the standards of practice?



1                   A. Nor have we put in our code of ethics  
2                   the forester's responsibility, the duty to the forest  
3                   which is the forestry ethics.

4                   Q. The forestry ethics aspect of the  
5                   code of ethics?

6                   A. That's correct.

7                   Q. Okay, thank you for that  
8                   clarification. And as well I believe you said in your  
9                   witness statement that professional standards would be  
10                  more general in nature than technical standards?

11                  A. Typically they would be, I would say,  
12                  as a generality, yes.

13                  Q. And I also took it from your evidence  
14                  that there is a relationship between professional  
15                  standards and technical standards in that, to a certain  
16                  extent, professional standards could govern how the  
17                  technical standards would be applied?

18                  A. Yes, I would say that that is true,  
19                  although as I pointed out as well, the technical  
20                  standards could be adopted as professional standards if  
21                  they had general application to all RPFs no matter  
22                  where they were working.

23                  Q. Mr. Brown, you indicated that the  
24                  roles of professional foresters in the area of the  
25                  undertaking are numerous, and there was a discussion

1 today about the provisions of the Crown Timber Act that  
2 require an RPF to certify timber management plans; is  
3 that correct?

4 MR. BROWN: A. Yes.

5 Q. And as you indicated in your  
6 evidence, a timber management plan must balance a  
7 number of conflicting objectives and incorporate input  
8 from a variety of disciplines, for example, wildlife  
9 biologists, fisheries specialists, and then we also  
10 have input from the general public as well?

11 A. Correct.

12 Q. And there was also reference today in  
13 the direct testimony and in the written evidence to the  
14 concept of RPFs being system managers.

15 Is it a fair summary of your position to  
16 say that in light of the code of ethics, professional  
17 standards and legislative responsibilities, the OPFA is  
18 concerned with more than just the harvest of timber?

19 A. Yes.

20 Q. And I understood you to indicate as  
21 well that an RPF is also concerned with the renewal of  
22 the forest; is that correct?

23 A. Correct.

24 Q. And would it be fair to say that in  
25 the context of renewal and good forestry practices, you

1 would be concerned about renewal to a desired tree  
2 species in an economic and predictable time frame.

3 A. I'll -- that terminology, desired  
4 or -- that is a little bit tricky. It depends on who  
5 desires it, but certainly I would agree it should lead  
6 to a new crop of trees.

7 Q. Of commercially preferred trees?

8 A. No, I wouldn't even agree to  
9 commercially preferred because there would be  
10 circumstances that that wouldn't be necessarily a  
11 priority. It may be.

12 Q. Based on demand?

13 A. No. It may be a tract of land where  
14 the future use for that land doesn't contemplate  
15 commercial activity. That may be a rare instance, but  
16 I would wish to -- I wouldn't want to leave the  
17 impression that all foresters are concerned about is  
18 economically desirable tree species.

19 Q. No, but what I'm suggesting is that  
20 when you are considering the renewal aspect of the  
21 resource one of your objectives after harvest would be  
22 to bring back a second rotation, another crop?

23 A. Yes.

24 Q. That would be the primary objective  
25 in the context of renewal. I'm not suggesting that you

1 are ignoring other values.

2 A. Okay.

3 Q. Is that fair?

4 A. Fair.

5 Q. Okay.

6 Q. And you also explained this morning  
7 that an RPF would be concerned and held accountable for  
8 the impact on non-timber values of the manipulation of  
9 the forest cover, and would it be fair to say, for  
10 example, that an RPF would be responsible for the  
11 protection of endangered species habitat, even though  
12 he is operating in an area that may be prime commercial  
13 timber?

14 A. I think I prefaced my answer to that  
15 question by saying I'm vary hard pressed to give a  
16 black and white answer to that, it depends on the  
17 circumstances, and I tried to describe an example or  
18 two where I wouldn't want to be the accountable for  
19 something I didn't have any control over, but generally  
20 speaking - do you want to rephrase your question,  
21 please?

22 Q. Okay. Leaving aside for the moment  
23 the exception that you've referred to, and I think the  
24 example you gave is that if the wildlife biologist asks  
25 you to provide so many hectares of habitat and he gave

1       you the wrong information, you wouldn't want to be  
2       responsible for the result of that?

3                   A. That's right.

4                   Q. Okay. And what I'm suggesting though  
5       is that assuming you have the right information and you  
6       are operating in an area that is a high timber value  
7       area and there is also a non-timber value in the  
8       context of an endangered species, you have a  
9       responsibility to be accountable for how that  
10      endangered species is dealt with in your planning.

11                  A. What I would expect would be that  
12      that circumstance would be the subject of discussion by  
13      the planning team, that would be an item that would be  
14      identified and we would work out a strategy.

15                  Q. So it's something that the RPF would  
16      be involved in with the assistance of other members on  
17      the planning team--

18                  A. Yes.

19                  Q. --who are experts in that area?

20                  A. That's correct.

21                  Q. Okay. And is it fair to say that if  
22      we look at all the requirements that are embodied in  
23      the code of ethics, professional standards and  
24      technical standards, that these really form the  
25      essential characteristics of good forestry practices?



1 A. I'm sure you're right, yes.

2 Q. This morning, Mr. Ebbs, you provided  
3 the Board with an excerpt from the code of ethics of  
4 the Association of the B.C. Professional Foresters.

5 MR. EBBS: A. Yes.

6 Q. And you said that this might be  
7 considered - and this was in the witness statement in  
8 fact - be considered a further example of a  
9 professional standard of forestry practice.

10 I was unclear as to whether you're  
11 advocating this provision or a similar one be included  
12 in either the Ontario code or the professional  
13 standards that are under development.

14 A. I'm sorry that perhaps that wasn't  
15 clear. It was an example of a forestry ethic, but one  
16 example, the RPF's duty to the forest bio-ethic or what  
17 have you.

18 It certainly -- all of us in the  
19 profession believe that it should be included in the  
20 professional standards in some place. British Columbia  
21 at the present time happens to be that it is in what  
22 they call their code of ethics.

23 Q. So you would be advocating that for  
24 Ontario?

25 A. Not necessarily those words, but

1 certainly we firmly believe that there should be a duty  
2 to the forest included as part of the codes of ethics,  
3 the moral underpinning.

4 Q. Mr. Brown, in your evidence at page  
5 22 and during your testimony - I don't think it's  
6 necessary to go to it - you discuss the importance of  
7 innovation in forest management and stated quite  
8 clearly that cookbook forestry must be avoided.

9 MR. BROWN: A. Yes.

10 Q. Would you agree with me that the  
11 discretion of the forester cannot be totally  
12 unfettered?

13 A. Yes, and I believe that is what I was  
14 trying to illustrate with my very rudimentary  
15 scratchings behind me here.

16 Q. On Exhibit 1814?

17 A. Whatever.

18 Q. And would you agree with me that  
19 while guidelines should be flexible in their  
20 application to allow this exercise of professional  
21 discretion and judgment, there remains certain, what I  
22 would term does and don'ts within the guidelines that  
23 still must be followed on certain sites and in certain  
24 circumstances?

25 A. Yes.

1 Q. And would you agree that when a  
2 forester deviates from guidelines, the deviation must  
3 be consistent with the principles set out in codes of  
4 ethics and professional standards must still be met?

5 A. Yes, certainly.

6 Q. And, in other words, you wouldn't  
7 support a position that results in deviation from the  
8 guidelines because of a need for wood and ignore the  
9 potential of that site for renewal or for accommodating  
10 other values? That was no?

11 A. That was no.

12 Q. And I just wanted to have a look at  
13 the OPFA's term and condition in that regard, and it's  
14 on page 2 of the terms and conditions, Item 3, where  
15 you talk about the responsibility built for implementing  
16 guidelines.

17 MS. SEABORN: Does the Board have the  
18 terms and conditions in front of them?

19 MADAM CHAIR: Yes, we do, Ms. Seaborn.

20 MS. SEABORN: Q. Page 2 of the terms and  
21 conditions, term and condition No. 3.

22 Now, in that term and condition the OPFA  
23 puts forward a statement that:

24 "Those responsible for implementing  
25 guidelines that pertain to any aspect of

1 forest management that may result in the  
2 manipulation of forest cover must  
3 determine whether their application is  
4 appropriate in each circumstance.

5 "Where these guidelines are  
6 substantially departed from, a rationale  
7 for the departure must be prepared with  
8 sufficient detail and explanation to  
9 provide a basis for amending or  
10 improving the guidelines."

11 Now, I take it encompassed in the  
12 explanation for the deviation would be a prediction of  
13 the effect of that deviation?

14 MR. BROWN: A. I would expect so, yes.

15 Q. And the predicted effect would  
16 presumably only be acceptable to the RPF if it, again,  
17 complied with good forestry practices?

18 A. Yes.

19 Q. And in the context of amending or  
20 improving guidelines, would you agree that the process  
21 could work like this, and I'll give you an example:  
22 The process of deviation and predicting effects would  
23 form a feedback loop where the RPF would say: I went  
24 beyond the established bounds of the guideline where I  
25 encountered a situation that was unforeseen or new and

1 applied a prescription in accordance with good forestry  
2 practices, and if monitoring showed that that  
3 prescription was successful, the guidelines could then  
4 be modified accordingly?

5 A. Well, that could be one way to modify  
6 guidelines. I would think it would be one of several  
7 ways that guidelines would find themselves being  
8 modified, but it would be one way.

9 Q. It certainly wouldn't be the only  
10 way, but that would be one way of keeping -- you  
11 expressed a concern earlier about keeping the  
12 guidelines up to date.

13 A. Mm-hmm. It's a little bit like the  
14 adaptive management approach that Baskerville has  
15 described, I believe, the loop coming back around and  
16 adjusting.

17 Q. And in your statement you also talked  
18 about, it would be appropriate, where there's some  
19 substantial departure, for an RPF to provide a detailed  
20 rationale for the departure?

21 A. Yes, all in the context of these  
22 guidelines being of this breadth (indicating) as  
23 opposed to this breadth here (indicating) of course.

24 Q. And I think you gave testimony  
25 earlier today to Mr. Cassidy that, in your view, at



1 least in the context of the guidelines you work with  
2 today, you're satisfied that they're of the greater  
3 breadth?

4 A. The particular ones that I work with,  
5 yes. I can't testify to all of the ones that exist in  
6 Ontario, but certainly the particular ones that I work  
7 with.

8 Q. And would you agree with me that as a  
9 practical matter deviations from guidelines require  
10 monitoring if we are, in any scientific or organized  
11 fashion, to continue to amend and improve those  
12 guidelines?

13 A. We are talking about deviation  
14 reporting here?

15 Q. I am talking about the monitoring of  
16 deviations, and let me give you an example. You may  
17 have a guideline that is used on a regular basis and  
18 you may find in a particular area that that guideline  
19 is regularly deviated from for very good reasons.

20 And what I'm suggesting is, that if you  
21 don't monitor the reasons for those deviations, then  
22 you're going to have trouble makings the determination  
23 about whether or not the guidelines should be amended.

24 A. Yes, that's the way to -- that's the  
25 way to determine when it's time to go back and modify

1 guidelines, I'm sure, when you have a series of events  
2 that indicate a particular problem.

3 One guard, however, against an  
4 implication that this is something that could be taking  
5 place on a very regular basis and for very little  
6 reason. I would say if guidelines that exist today are  
7 well done, or the guidelines that exist any time are  
8 well done in the first instance, then we're unlikely to  
9 encounter a whole lot of deviations in a short period  
10 of time, so I'm just...

11 Q. I don't disagree with that at all,  
12 Mr. Brown, in fact it would seem to me that that would  
13 make it more important to monitor the few deviations  
14 that there were to find out the reasons why--

15 A. Sure.

16 Q. --why that had to happen.

17 A. Fine.

18 Q. And, as well, would you agree that by  
19 monitoring the deviations you'll also have a feedback  
20 loop to look at the prediction that you made in the  
21 first instance of what the effect of the deviation was  
22 going to be?

23 A. Right.

24 Q. Now, earlier today there was some  
25 testimony - I believe it was you, Mr. Brown, who talked

1 about a number of research programs or research centers  
2 around the province that the association and the  
3 industry and government could call upon to fill in  
4 scientific gaps - and I take it that you would support  
5 local monitoring in addition to relying on these sorts  
6 of research centers for information on forestry  
7 practices?

8 A. Certainly all foresters collect local  
9 information to ensure that local circumstances reflect  
10 the general knowledge. There's always a danger when  
11 you're using generally accepted knowledge that it won't  
12 apply to little niches on a hillside, so you're always  
13 trying to keep track of those things.

14 I can't underestimate the value, however,  
15 of the forestry research establishments and the need  
16 for foresters to be able to utilize them on a regular  
17 basis, I think it's extremely important.

18 Q. And all I'm suggesting is that we  
19 need both?

20 A. That's right.

21 Q. If you turn again to the terms and  
22 conditions of the OPFA, Item 5 which is on page 3, and  
23 Item 5.3 speaks to the concept of deviation and Item  
24 5.4 speaks to monitoring.

25 Now, based on what you've told me today,

1 would you agree that in addition to compliance  
2 monitoring, effects monitoring as it applies to timber  
3 values should also be performed by or under the direct  
4 supervision of an RPF?

5 A. How do you distinguish between the  
6 two. You use the term compliance and effects, do you  
7 want to just tell me just how you distinguish between  
8 the two?

9 Q. In the context of the -- well, let me  
10 ask you then. In the context of the term and condition  
11 how I had assumed that you were using the word  
12 compliance to mean that did the RPF do what he was  
13 asked to do or he intended to do, strict compliance,  
14 you're asked to plant a thousand trees, did you in fact  
15 plant a thousand trees?

16 A. Right, right.

17 Q. When I speak about effects, that  
18 would be how many trees survived?

19 A. Well, certainly that is part and  
20 parcel of what we do all the time.

21 Q. So I shouldn't take the wording  
22 compliance in your terms and conditions to mean a  
23 narrow interpretation?

24 A. No.

25 Q. And you referred to, in your evidence

1 earlier as well, terms and conditions 5.4 to 5.8 and  
2 termed those ones as measuring results; is that  
3 correct?

4 A. Yes.

5 Q. And would you agree that for the  
6 monitoring of timber values, again, both compliance and  
7 effects monitoring would form part and parcel of annual  
8 reports which would be aggregated up ultimately to the  
9 level of the five-year state of the forest report?

10 A. Yes.

11 Q. And would you agree, Mr. Brown, that  
12 new technology employed by RPFs or under their  
13 direction in the field should not compromise the RPF  
14 from practising good forestry?

15 Let me put it another way. Would you  
16 agree that the use of new technology in the field  
17 should, once again, be compatible with good forestry  
18 practices and professional standards as they're  
19 developed over time by your association?

20 A. Yes.

21 Q. And is it the view of the OPFA that  
22 new technology should be researched to the satisfaction  
23 of your association if your members are going to have  
24 to implement that technology in the field?

25 A. Well, no, I don't think I can -- I



1 don't think the association can play the role of  
2 testing new technology or determining whether new  
3 technology is acceptable, I think we leave that to the  
4 research establishments.

5 Our interest is in whether or not the  
6 application of that new technology will lead to the  
7 kind of standards that we expect should be achieved.

8 So I want to be very clear that we  
9 certainly don't take on a mandate of reviewing new  
10 technology, I mean, we would be reviewing things like  
11 space engineering and agricultural research, and we  
12 just simply wouldn't be able to do that.

13 MR. MARTEL: Well, Mr. Ebbs might get out  
14 of the office that way some day.

15 MR. EBBS: I might appreciate the  
16 opportunity, Mr. Martel, but I think if this goes the  
17 it should I'll be too busy to go out of the office.

18 MS. SEABORN: Q. Mr. Brown, would you  
19 include a matter of new technology as one of the  
20 examples of matters which may require a consultation  
21 with the OPFA as listed in your term and condition No.  
22 7?

23 MR. BROWN: A. That's a possibility. I  
24 don't have an example come to mind immediately, but I  
25 think it is a possibility that a notion to apply a

1 particular technology may be a matter of interest to  
2 the association if it appears to have the potential to  
3 at adversely on the forests.

4 Q. And I take it then if you're  
5 interested in the implementation of new technology,  
6 then you would want to see the various guidelines and  
7 manuals that RPFs have to work within in the field as  
8 being amended to reflect that new technology?

9 A. I said earlier that, I think in  
10 answer to a question of Mr. Cassidy's, that the  
11 guidelines that I have knowledge of I can live with  
12 them the way they are at the moment provided they are  
13 kept up to date to reflect changes in innovations and  
14 new technology. Certainly, that's a prerequisite, yes.

15 Q. And would you agree that in terms of  
16 keeping guidelines and manuals up to date, consultation  
17 would be required not only with RPFs but with other  
18 interested disciplines or members of the public who  
19 have a direct stake in forestry matters in the area of  
20 the undertaking?

21 A. Certainly the development of all of  
22 the guidelines that exist today, to my knowledge,  
23 included in the first instance the involvement of a  
24 variety of disciplines for their development, and I  
25 wouldn't see revisions being any different.

1 MS. SEABORN: Those are all my questions.

2 Thank you, Mr. Brown, Mr. Ebbs.

3 MADAM CHAIR: Thank you, Ms. Seaborn.

4 Ms. Blastorah?

5 MS. BLASTORAH: If I can have one moment,  
6 Mrs. Koven, I will undertake to be done by four o'clock  
7 at the very latest. I think one moment would help.

8 MADAM CHAIR: Take your time.

9 MS. BLASTORAH: Madam Chair, due to the  
10 fact that Mr. Curtis and OPFA have integrated a number  
11 of our interrogatories into their direct evidence and  
12 they have attempted and have, I believe, addressed the  
13 issues that we raised in our statement of issue, I  
14 don't feel I have any questions for these witnesses.

15 The only point I would make is that we  
16 did agree with the comments by Mr. Brown with regard to  
17 certification of amendments and we indicated that in  
18 our statement of issues to both the OPFA and the Board  
19 and the other parties, and I don't think there's any  
20 point in taking the time of the Board and the parties  
21 here today to ask questions that would only lead to  
22 reinforce our own terms and conditions, what with the  
23 upcoming negotiation and so on.

24 So I don't think I have any questions of  
25 these witnesses today.

1                   MADAM CHAIR: All right. Thank you very  
2 much, Ms. Blastorah.

3                   MS. BLASTORAH: Thank you.

4                   MADAM CHAIR: The Board appreciates you  
5 not taking up time going through evidence we've already  
6 heard.

7                   And are we left then with the  
8 understanding that the terms and conditions of this  
9 association are generally consistent with yours?

10                  MS. BLASTORAH: No, I didn't mean to  
11 imply that, Mrs. Koven, that's why I mentioned  
12 negotiations.

13                  My point was that I don't think anything  
14 that the witnesses have said today is any different  
15 than what we have already seen in their statement of  
16 evidence and what we -- we did ask questions in our  
17 interrogatories in an attempt to reduce our cross and  
18 we did receive responsive answers to those and the  
19 witnesses attempted to further clarify that, and Mr.  
20 Curtis and the witnesses attempted to incorporate their  
21 evidence in relation to concerns we raised in the  
22 statement of issues, so I think we are clear on what  
23 their position is.

24                  I didn't mean to indicate that we  
25 necessarily agreed with all their evidence, but I think

1 we understand it better, and my point was that we will  
2 attempt to deal with any outstanding differences during  
3 negotiations rather than dealing with it here, since I  
4 think we're clear.

5 MADAM CHAIR: Okay. Thank you very much,  
6 Ms. Blastorah.

7 And thank you, Mr. Ebbs and Mr. Brown.

8 MR. CURTIS: Madam Chair?

9 MADAM CHAIR: Oh, Mr. Curtis. Would you  
10 like to re-examine?

11 MR. CURTIS: Just a few questions, if I  
12 could impose on your time.

13 MR. MARTEL: We are just so excited by it  
14 all, Mr. Curtis.

15 MADAM CHAIR: I'm sorry. This is the  
16 first time this has ever happened, Mr. Curtis.

17 MR. CURTIS: I will be brief.

18 MR. EBBS: Madam Chair, can I advise my  
19 counsel that he be before four o'clock.

20 MR. CURTIS: It will probably be before a  
21 quarter to the hour, sir.

22 RE-DIRECT EXAMINATION BY MR. CURTIS:

23 Q. Okay. Mr. Brown, there was some --  
24 on the question of deviation of reporting and the area  
25 of professional discretion, I would just like to ask



1 you to please clarify the concern that you expressed  
2 with regard to reporting deviations?

3 MR. BROWN: A. Well, I made the point  
4 that a pre-condition to agreeing to all of that, of  
5 course, was that we had a climate to work in which gave  
6 us the latitude to use professional discretion,  
7 appropriately broad, as I tried to draw on the board  
8 here, and given that that was the case, then I am  
9 assuming that we would find ourselves reporting  
10 deviations in this circumstance here (indicating), this  
11 one out here (indicating), as opposed to a situation  
12 like this (indicating) where we would be at it  
13 constant.

14 So my answer to those questions was in  
15 the context of that concept.

16 MR. CASSIDY: For the record, the witness  
17 is referring to Exhibit 1814.

18 MR. CURTIS: Q. And if this situation  
19 were such as was referred to in the lower part of that  
20 exhibit, what impact would that have on the practice of  
21 forestry?

22 MR. BROWN: A. Well, if one finds  
23 oneself spending all one's time reporting deviations  
24 then the requirement becomes so onerous as to prevent  
25 one from deviating at all.

1                   Q. Thank you. There was some discussion  
2 on the relationship of land use planning versus timber  
3 management planning, and Mr. Cassidy and Mr. Martel  
4 were exploring your views on that.

5                   I do not want to get back into the  
6 substance of your comments, but I do want to ask you,  
7 in your view, whether all RPFs agree on how land uses  
8 should be allocated?

9                   A. Oh, hardly. I don't think all RPFs  
10 agree on anything in particular on a given day. There  
11 are some that hold one view and some that hold another,  
12 but that is my particular view of the matter given the  
13 experiences I have.

14                  Q. Does the OPFA as an organization have  
15 a position on this point?

16                  A. Not that I'm aware of.

17                  Q. I would like to ask Mr. Ebbs now on  
18 the discussion that took place with Mr. Cassidy in the  
19 area of a national code of standards, there was some  
20 discussion of national code of standards versus federal  
21 jurisdiction. Do you recall that discussion.

22                  MR. EBBS: A. Yes, I do.

23                  Q. What I'm wondering is whether -- when  
24 you used the term national code of standards, were you  
25 referring to a code of standards with respect to

1 federal jurisdiction in terms of the distinction,  
2 federal versus provincial jurisdiction as Mr. Cassidy  
3 was using it?

4 A. No, I did not intend any  
5 jurisdictional implications at all by the word  
6 national.

7 Q. What did you intend by the use of the  
8 word national?

9 A. By national I intended that the  
10 profession of forestry collectively right across the  
11 country might adopt a national standard.

12 Q. What applicability to the provincial  
13 associations would such a national code have?

14 A. The national code would be accepted  
15 by each of the provincial associations.

16 Q. How would that work, like, could it  
17 be -- if it were not adopted, for example, by a  
18 provincial association, could the members in a  
19 particular province be held accountable to that code?

20 A. Definitely not, it would have to be  
21 adopted by each provincial association either as a  
22 separate entity or, more likely, it would be included  
23 in their own as part of their own professional standard  
24 code.

25 Q. Thank you.

1                   MR. MARTEL: Are you talking about  
2                   uniformity of what can be applied consistently across  
3                   Canada? I mean, there are different types of sites and  
4                   forestry, but wherever possible, are you talking about  
5                   application in a uniform fashion that's consistent  
6                   across Canada.

7                   One might look at the WHMIS Agreement on  
8                   toxic substances, or Medicare, or in that similar  
9                   nature, is that what you're taking about.

10                  MR. EBBS: That's correct, Mr. Martel.  
11                  There must be some general things that a professional  
12                  must take into account no matter where he or she is  
13                  working. That's what it amounts to.

14                  MR. CURTIS: Q. What about in provinces  
15                  that do not have professional foresters associations,  
16                  what applicability would a national code have in those  
17                  provinces?

18                  MR. EBBS: A. The applicability would  
19                  more than likely be through the Canadian Institute Of  
20                  Forestry which has provincial sections, some 22 of them  
21                  I believe, so that the Provinces of Saskatchewan,  
22                  Manitoba, Northwest Territories, Yukon and Labrador  
23                  foresters could belong, and in belonging to the  
24                  Canadian Institute of Forestry, agree to abide by a  
25                  national standard as agreed to by the Canadian

1 Institute of Forestry.

2 MR. CURTIS: Thank you.

3 Madam Chair, that concludes my questions.

4 I would like to note for the record there are a number  
5 of RPFs in the audience that attended today to hear our  
6 testimony, and I would like to thank the Board very  
7 much for its time and interest in the case that we  
8 bring today.

9 Thank you very much.

10 MADAM CHAIR: Thank you, Mr. Curtis and  
11 Mr. Ebbs and Mr. Brown, we appreciate your  
12 long-standing attendance and interest in the hearings  
13 and we thank you very much for this evidence.

14 And we expect to see you again at some  
15 point during the hearing.

16 Mr. Martel invites you to Sudbury.

17 MR. EBBS: Thank you very much.

18 MADAM CHAIR: Thank you.

19 MR. BROWN: Thank you.

20 ---Panel withdraws.

21 MR. CASSIDY: I might just take the  
22 opportunity to reintroduce Peter Murray who is standing  
23 behind me who, you may recall, testified on several  
24 occasions on behalf of the OFIA, and he's advised me he  
25 is an active member of the OPFA.



1 MADAM CHAIR: Nice to see you again, Mr.  
2 Murray.

3 MR. MURRAY: Nice to be here.

4 MADAM CHAIR: Mr. Martel says you didn't  
5 learn from your first visit.

6 We will reconvene the hearing on Tuesday  
7 at two o'clock or 1:30 -- Mr. Pascoe isn't here.

8 MS. BLASTORAH: Two o'clock in Red Lake.

9 MADAM CHAIR: Two o'clock in Red Lake.

10 MS. BLASTORAH: The information centre is  
11 Monday evening.

12 MADAM CHAIR: That's right. Thank you,  
13 Ms. Blastorah.

14 ---Whereupon the hearing was adjourned at 3:40 p.m.,  
15 to be reconvened in Red Lake, Ontario, on Tuesday,  
May 7th, 1991, commencing at 2:00 p.m.

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